



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Nineteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL MP (MD) No.1107 of 2018
IN
CRL OP (MD) No.12125 of 2010

REV.FR.JOE XAVIER@JOSEPH XAVIER

... PETITIONER/
ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
FORT, TRICHY, TRICHY DISTRICT.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased(*) to **direct the Additional District Sessions Judge /Mahila Court, Trichy to return the petitioner's Passport to him so as to enable this petitioner to go to Rome in light of the order passed by this Honourable Court in Crl.M.P.(MD).No. 11407 of 2017 in Crl.O.P.(MD). No.12125 of 2010 dated 08.02.2018 and pass such further or other order/orders as this Hon`ble Court may deem fit and proper in the circumstances of the case, and thus render justice.**

(*) PRAYER AMENDED AS PER ORDER OF THIS HON`BLE COURT MADE IN CRL MP (MD) NO.1226/2018 IN CRL OP (MD) NO.12125/2010 DATED: 19.02.2018.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.PRABHU, Advocate for ISAAC CHAMBERS, Advocate for the petitioner and of M/S.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The petitioner herein has filed Crl.M.P.(MD) No.11407 of 2017 in Crl.O.P.(MD) No.12125 of 2010 to extend the time granted by this Court vide order dated 17.11.2016 in Crl.M.P.(MD) No.6617 of 2016 in Crl.O.P.(MD) No.12125 of 2010 up to 10.12.2018. The said petition has been disposed of by this Court on 08.02.2018 directing the Additional District Sessions Judge, Mahila Court, Trichy to permit the petitioner to stay in Rome, Italy up to 10.12.2018 and also on a condition that the petitioner should appear before the trial Court, whenever the trial court directs him to appear. Thereafter, the



petitioner has filed Crl.M.P.(MD)No.1107 of 2018 to direct the Sessions Judge, Mahila Court, Trichy to return the petitioner's passport to enable him to go to Rome.

2.The learned counsel appearing for the petitioner has submitted that as per the order passed by this Court in Crl.M.P.(MD) No.6617 of 2016, the petitioner was permitted to go to Rome, Italy up to 20.12.2017 and in pursuance of the said order, the learned Additional District Sessions Judge, Mahila Court, Trichy has returned the passport to the petitioner and also granted permission to him to go abroad from 01.12.2016 to 20.12.2017. He further submitted that the petitioner also got back the passport from the Additional District Sessions Judge, Mahila Court, Trichy and went to Rome to work as Assistant International Director of Jesuit Refugee Service (JRS). He further submitted that subsequently the said Jesuit Refugee Service(JRS), Rome has extended his service for another one year and hence the petitioner has filed Crl.M.P.(MD) No.11407 of 2017 with a prayer to extend the time granted by the order, dated 17.11.2016, passed in Crl.M.P.(MD)No.6617 of 2016. He further submitted that after filing of the said application, the petitioner came back to India and has surrendered the passport before the Additional District Sessions Judge, Mahila Court, Trichy, but, the said fact was not brought to the knowledge of this Court, at the time of passing orders in Crl.M.P.(MD)No.11407 of 2017 and therefore it has become necessary to file this petition seeking a direction to the learned Sessions Judge, Mahila Court, Trichy to return the passport to enable the petitioner to go to Rome.

3.The learned Government Advocate (Criminal Side) appearing for the respondent has not raised any serious objections.

4.Considering the aforesaid submissions, the Sessions Judge, Mahila Court, Trichy is directed to return the passport to the petitioner and also directed to permit the petitioner to go to Rome upto 10.12.2018 on a condition that the petitioner should appear before the trial Court, whenever the trial court directs him to appear.

5.With the aforesaid observations, this petition is disposed of.

sd/-
19/02/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SESSIONS JUDGE (MAHILA COURT),
TRICHY.2 THE ADDITIONAL DISTRICT SESSIONS JUDGE /MAHILA COURT,
TRICHY

3 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

4 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TRICHY

5 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
FORT, TRICHY, TRICHY DISTRICT.6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.ISAAC CHAMBERS Advocate SR.No.2724

ORDER

IN

CRL MP (MD) No.1107 of 2018

IN

CRL OP (MD) No.12125 of 2010

Date :19/02/2018

MS/CM/SAR.3/22.02.2018/3P.8C