



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C. (MD)No.99 of 2018

WEB COPY

M.Sakthivel

: Revision Petitioner/Petitioner

Vs.

State through the Inspector of Police,
All Women Police Station,
Sankarankoil
Tirunelveli District.
(Cr.No.13 of 2014).

: Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the records in C.C.No.384 of 2015, set aside the judgment dated 14.02.2018 relating to the condition of retaining of the passport till appeal time is over, direct the learned Judicial Magistrate, Sivagiri, to return the passport to the revision petitioner.

For Petitioner

: Mr.M.Patturajan

For Respondent

: Mrs.S.Bharathi,

Government Advocate (Cr1.side)

ORDER

The petitioner faced prosecution in C.C.No.384 of 2015 before the learned District Munsif -cum- Judicial Magistrate, Sivagiri, for the offences under Sections 498(A), 406, 506(i) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and has been acquitted by the Trial Court on 14.02.2018. It appears that the petitioner did not appear before the Trial Court during trial and, therefore, a non-bailable warrant was issued against him for securing his presence. The petitioner was arrested at Coimbatore Airport on 27.01.2018 and continued to be in custody till he was acquitted on 14.02.2018. In the order of acquittal, the Trial Court has stated that his passport should be retained until the expiry of the period of appeal. It is the case of the petitioner that he is employed in Australia and that he would lose his job, if he does not report immediately for duty. Therefore, the petitioner filed a petition under Section 452 of the Code of Criminal Procedure in C.C.No.384 of 2015 before the Trial Court and the said petition has been returned by the Trial Court with a direction that the same may be presented after the appeal time is over. Therefore, the petitioner is before this Court.

2. Mr.M.Patturajan, learned counsel appearing for the petitioner submitted that the petitioner has been acquitted on the ground that the defacto complainant herself deposed before the Court



that she has received all the Sridhana Jewellery and that she has also entered into a compromise with the family of the petitioner. The learned counsel also produced the evidence of the defacto complainant and the other witnesses.

3. On a perusal of the evidence of the defacto complainant, she has clearly stated that she has received all the Sridhana properties and that she has also filed a compromise petition before the Court. In such view of the matter, the likelihood of the defacto complainant filing an appeal against acquittal appears remote.

4. Under such circumstances, this Court directs the Trial Court to return the passport of the petitioner after taking a photocopy of the same and keeping it in the custody. The petitioner shall file an affidavit before the Trial Court disclosing his complete address, photocopy of the Australian Identity Card, E.Mail I.D. and Mobile Number.

5. With the above direction, this Criminal Revision Case is ordered.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif -cum- Judicial Magistrate,
Sivagiri.

2.The Inspector of Police,
All Women Police Station,
Sankarankoil
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.Patturajan, Advocate SR.No. 50304

Order made in
Cr1.R.C. (MD) No.99 of 2018

SML

JM/SV MMS/SAR 4/26.02.2018/2P/5C