



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL MP(MD) No.11407 of 2017  
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.

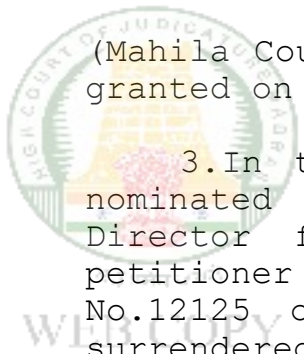
... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to extend the time granted by order dated 17/11/2016 in Crl.M.P(MD).No.6617/2016 in Crl.O.P(MD).No.12125/2010 upto 10/12/2018.

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

This petition has been filed by the accused No.3 to extend the time granted by the order dated 17.11.2016 in Crl.M.P.(MD).No.6617 of 2016 in Crl.O.P.(MD).No.12125 of 2010 upto 10.12.2018.

2.The respondent has registered a case in Cr.No.62/2010 under Sections 376 and 506(i) I.P.C, in which the petitioner has been arrayed as accused No.3. This Court has granted anticipatory bail to the petitioner on 03.11.2010 in Crl.O.P.(MD).No.12125 of 2010 with certain conditions. One of the conditions was that the petitioner should surrender his passport before the learned Judicial Magistrate No.I, Trichy. Accordingly, the petitioner has surrendered his passport on 11.11.2010 before the learned Judicial Magistrate No.I, Trichy. Subsequently, the learned Judicial Magistrate No.I, Trichy has committed the case to the learned Sessions Judge (Mahila Court), Trichy and the petitioner's passport also has been sent to that Court and the case has been taken on file in S.C.No.101/2011 and the same is still pending. Accused No.5, Dr.Suchitra has filed Crl.O.P.(MD).No.12996 of 2012 to quash the proceedings in S.C.No.101/2011 on the file of the Sessions Judge



(Mahila Court), Trichy, in which, an order of interim stay has been granted on 30.08.2012 and the said Crl.O.P. is still pending.

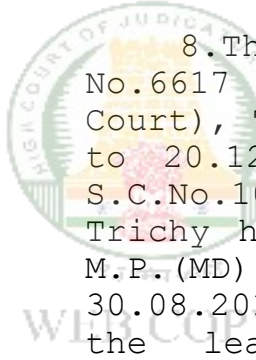
3. In the year 2016, Jesuit Refugee Service, (JRS) Rome has nominated the petitioner for the post of Assistant International Director for JRS with effect from 01.08.2016 and hence, the petitioner has filed Crl.M.P.(MD).No.6617 of 2016 in Crl.O.P.(MD).No.12125 of 2010, seeking for return of passport, which was surrendered by him before the learned Judicial Magistrate No.I, Trichy. This Court, by the order dated 07.11.2016 has directed the learned Sessions Judge (Mahila Court), Trichy to hand over the passport to the petitioner and subsequently, by the order dated 17.11.2016, this Court has directed the learned Sessions Judge (Mahila Court), Trichy to permit the petitioner to go abroad from 01.12.2016 to 20.12.2017. In pursuance of the said order, the learned Sessions Judge (Mahila Court), Trichy has returned the passport to the petitioner and also granted permission to the petitioner to go abroad from 01.12.2016 to 20.12.2017. The present petition has been filed to extend the order passed by this Court dated 17.11.2016 upto 10.12.2018.

4. Since this criminal miscellaneous petition has been filed in Crl.O.P.(MD).No.12125 of 2010 (Anticipatory bail application), the Registry has listed this criminal miscellaneous petition before the Honourable Mr. Justice Dhandapani, on 18.12.2017. His Lordship has directed the Registry to list the matter before the appropriate Court, which comes under the jurisdiction of Section 482 Cr.P.C, after getting appropriate orders from the Honourable Administrative Judge. Accordingly, the Registry has submitted a note before the Honourable Administrative Judge. The Honourable Administrative Judge by the order dated 19.01.2018, directed the Registry to post this criminal miscellaneous petition before me. Accordingly, it has been posted before me.

5. Heard both sides.

6. The learned counsel for the petitioner has submitted that this Court has passed an order in Crl.M.P.(MD).No.6617 of 2016, dated 17.11.2016, taking into consideration the petitioner has been nominated for the post of Assistant International Director of Jesuit Refugee Service in Rome and directed the learned Sessions Judge (Mahila Court), Trichy to permit the petitioner to go abroad from 01.12.2016 to 20.12.2017. He further submitted that in pursuance of the said order, the petitioner joined duty as Assistant International Director of Jasuit Refugee Service, Rome, Italy and discharging his duty till date. He further submitted that now, the said Jasuit Refugee Service, Rome has decided to extend the tenure of the petitioner for a further period of one year with effect from 10.12.2017 to 10.12.2018 and hence, he requested this Court to extend the time granted by the order dated 17.11.2016 in Crl.M.P.(MD).No.6617 of 2016 upto 10.12.2018.

7. The learned Government Advocate (Crl.Side) has not raised any serious objection.



8.This Court, by the order dated 17.11.2016 in CrI.M.P.(MD). No.6617 of 2016, has directed the learned Sessions Judge (Mahila Court), Trichy to permit the petitioner to go abroad from 01.12.2016 to 20.12.2017. Admittedly, the trial of the Sessions Case in S.C.No.101/2011, on the file of the Sessions Judge (Mahila Court), Trichy has been stayed, as per the order passed by this Court in M.P.(MD).No.1 of 2012 in CrI.O.P.(MD).No.12996 of 2012, dated 30.08.2012. Taking into consideration of all the aforesaid facts, the learned Sessions Judge (Mahila Court), Trichy is directed to permit the petitioner to stay in Rome, Italy upto 10.12.2018 on a condition that the petitioner should appear before the trial court, whenever the trial court directs him to appear.

9.With the aforesaid observation, this Criminal Miscellaneous Petition is disposed of.

sd/-  
08/02/2018

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE (MAHILA COURT),  
TRICHY.
- 2 THE JUDICIAL MAGISTRATE NO.I, TRICHY.
- 3 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,  
FORT, TRICHY, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. ISAAC CHAMBERS Advocate SR.No.2239

ORDER IN  
CRL MP (MD) No.11407 of 2017  
IN  
CRL OP (MD) No.12125 of 2010  
Date : 08/02/2018

**MS/CM-VR/SAR.2/09.02.2018/3P.7C**