



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.1168 of 2018

B.John Pandian

... Petitioner

-Vs-

The State represented by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Cr.No.45 of 1993)

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, permitting the petitioner to travel abroad including the countries of Malaysia and united Arab Emirates.

For Petitioner : Mr.R.Anand

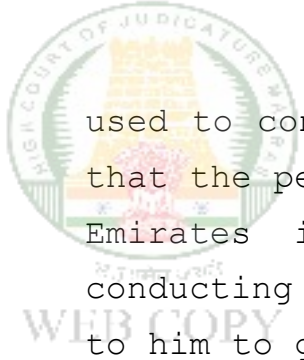
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

This petition has been filed by the petitioner for permitting him to travel abroad including the countries of Malaysia and United Arab Emirates, pending the case in SC.No.189 of 2017 on the file of the Additional Assistant Sessions Judge, Dindigul.

2.Heard, the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondent.

3.The learned counsel for the petitioner has submitted that the petitioner is the President of a political party, namely, Tamizhaga Makkal Munnetra Kazhagam and for the development of his party, he



used to convene meeting in foreign countries. He further submitted that the petitioner has a proposal to go to Malaysia and United Arab Emirates in the month of February 2018, for the purpose of conducting his party meeting and hence, a permission may be granted to him to go to the aforesaid countries. He further submitted that on previous occasions, this Court has granted similar relief in CrI.O.P(MD).Nos.13595 of 2012 and 6674 of 2014. He further submitted that already as per the order passed by this Court in W.P (MD).No.8789 of 2017, dated 25.05.2017, the petitioner has surrendered his passport before the learned Judicial Magistrate No.II, Dindigul and hence the learned Judicial Magistrate No.II, Dindigul may be directed to return passport to enable the petitioner to go abroad.

4.The learned Additional Government Pleader has submitted that the petitioner is facing a trial in S.C.No.189 of 2017, on the file of the Additional Assistant Sessions Judge, Dindigul , under Sections 120 (B), 147, 148, 341, 323, 324, 332, 427, 307, 435 r/w 511 IPC. He further submitted that in that case, already charges have been framed and it is posted for examination of the prosecution witnesses on 01.02.2018 and at this stage, if the petitioner is allowed to go abroad, the trial will be affected and hence, he strongly opposed this petition.

5.In the earlier occasions, the petitioner has obtained similar permissions from this Court in CrI.O.P.(MD).No.13592 of 2012 and CrI.O.P.(MD).No.6674 of 2014. At that time, the case was pending before the Magistrate at PRC stage and now, the case has been committed to the Court of Sessions and the case is posted for examination of the prosecution witnesses on 01.02.2018. Therefore, the petitioner has to appear before the Trial Court on 01.02.2018. On that date, it is open to the prosecution to produce the witnesses and examine them before the Trial Court and thereafter, if the case is adjourned for examination of other witnesses then the petitioner can file a petition under Section 317 of Cr.P.C and in his absence,



the trial Court can examine the witnesses. In such a case the petitioner should not take a defence that he has not been identified by the eye-witnesses. The learned Judicial Magistrate No.II, Dindigul is directed to return the passport to the petitioner to enable him to go abroad. After returning to India, the petitioner has to surrender the passport before the Judicial Magistrate No.II, Dindigul.

6.With the aforesaid conditions, this Court grants permission to the petitioner to go abroad for a period of four weeks and he has to furnish his schedule and file necessary affidavit before the trial Court.

7.With the above observations, this writ petition is disposed of.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

2.The Judicial Magistrate No.II,
Dindigul.

+1cc to M/S.R.ANAND, Advocate SR.No.43635.

W.P. (MD) No.1168 of 2018
23.01.2018

rmk
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