

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.12465 of 2019

Mannamu Sreemannarayana

... Petitioner

Vs.

The State of Tamil Nadu,
By the Inspector of Police,
CCB-II, Chennai.

... Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure seeking to set aside the docket order dated 03.04.2019 in Criminal M.P.(D.No.)5250 of 2019 and consequently grant extension of period of validity of the petitioner's present passport bearing No.Z4669932 atleast for a period of 1 year from the date of order.

For Petitioner : Mrs.K.Subhashini Suresh, for
M/s.Chennai Law Associates

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

The petitioner was arrested by the respondent police for an offence under Passport Act and under various provisions of IPC. The original passport of the petitioner was detained by the respondent.

2. The petitioner filed C.M.P.No.5246 of 2018 before the learned Judicial Magistrate, Alandur seeking for permission to travel abroad. This petition was heard, after affording an opportunity to the respondent. The learned Judicial Magistrate by order dated 28.09.2018 granted permission to the petitioner to get the passport and to visit foreign countries for a period of eight months. The conditions imposed by the Court below is extracted hereunder:

"i) The petitioner is permitted to get passport for the period of eight months from the date of the order.

ii) The petitioner is permitted to visit foreign countries for the period of eight months from the date of this order, if he is otherwise eligible to visit the foreign countries.

iii) The petitioner shall file an affidavit of undertaking that he will return to India and appear before this Court on receiving of summon from the respondent/police immediately on filing of final report and as and when directed by this Court."

3. The learned counsel for the petitioner submitted that the respondent police are yet to complete the investigation and file the final report and no summon has been received by the petitioner, till date. The learned counsel further submitted that the petitioner is presently residing at Singapore, where he is working. The learned counsel further submitted that eight months period granted by the Court below is expiring on 27.05.2019 and therefore, the time granted by the Court below has to be extended in order to enable the petitioner to stay at Singapore.

4. In this regard, the petitioner filed a petition before the learned Judicial Magistrate, Alandur seeking for an extension of time for a period of one year. The learned counsel further submitted that the period will be extended by the concerned authority only if an order is passed by the Court before which the criminal case is pending.

5. The learned counsel further submitted that the Court below has returned the petition filed by the petitioner on the ground that the Court does not have power to modify the order.

6. The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the investigation is yet to be completed and the final report has not been filed in this case.

7. In view of the above, this Court is of the considered view that the Court below itself should have considered the application and should have passed appropriate orders extending the period of passport, after taking into consideration of the facts and circumstances of the case. The Court below ought not to have returned the application, since the Court which imposes the condition always has the right to modify the same.

8. The petitioner is permitted to re-present the petitioner before the court below and the court below shall pass appropriate orders extending the period of passport, after taking into consideration the facts and circumstances of the case, within a period of one week from the date of receipt of a copy of this Order.

9. The Criminal Original Petition is disposed of, with the above directions.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

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To

1. The the Inspector of Police,
CCB-II, Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate,
Alandur.

+2cc to M/s.Chennai Law Associates, Advocate, S.R.No.43533

Cr1.O.P.No.12465 of 2019

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CS/13/05/2019

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