

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P Nos.15811 and 15813 of 2019

K.Usha

...Petitioner in
Crl.O.P No.15811 of 2019

B.Bhavani

...Petitioner in
Crl.O.P No.15813 of 2019

Vs.

1. The Regional Passport Officer
Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai-600 002.

2. The Superintendent of Police,
Crime Investigation Department,
No.2, Dumas Street, White Town,
Puducherry-605 001.

...Respondents in Crl.O.P
Nos.15811 and 15813 of 2019

PRAYER in Crl.O.P No.15811 of 2019: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the Regional Passport Officer, Chennai, the 1st Respondent herein to renew the passport of the petitioner, Mrs. K.Usha bearing Passport No.E4420338, permit the petitioner herein to travel abroad to USA on condition to return to India on or before 01.04.2020.

PRAYER in Crl.O.P No.15813 of 2019: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the Regional Passport Officer, Chennai, the 1st Respondent herein to renew th passport of the petitioner, Mrs.B.Bhavani bearing Passport No.E4420454, permit the petitioner herein to travel abroad to USA on condition to return to India on or before 01.04.2020.

For Petitioner : Mr. A.Ramesh, Senior Counsel
For Mr.B.A.Sujay Prasanna
in both Crl.O.Ps.

For 2nd Respondent : Mr.V.Balamurugane,
Additional Public Prosecutor
Puducherry in both Crl.O.Ps.

COMMON ORDER

These two petitions have been filed seeking for a direction to direct the renewal of the passport of the petitioners and to permit the petitioners to travel to U.S.A.

2 Based on the final report filed by the respondent police, proceedings are pending in C.C No.1 of 2011 on the file of the Special Court for The Puducherry Protection of Interests and Depositors in Financial Establishments Act 2004. There are totally 18 accused persons whose names are found in the final report and the petitioners have been arrayed as A10 and A11. It is brought to the notice of this Court that till today even the charges have not been framed and there has been no progress in the case from the year 2011 onwards.

3. Mr.A.Ramesh, the learned Senior Counsel appearing on behalf of the petitioners submitted that the daughter of the petitioner in Crl.O.P.No.15813 of 2019 who is living in United States got conceived and is expected to deliver a child this year. Since she does not have anyone there to take care of her, the petitioners who are co-sisters want to visit United States in order to help her. The learned Senior Counsel further submitted that the petitioners undertake to return back to India on or before 01.04.2020. An undertaking affidavit has also been filed by the petitioners to that effect.

4. The learned Additional Public Prosecutor, Pondicherry submitted that the case involves innocent depositors being cheated to the tune of Rs.200 Crores and these petitioners were also found to have played a role in the crime and therefore, they have been added as A10 and A11 in the final report. The learned counsel further submitted that even though there was a proposal to repay back the deposit, the same did not go through and till date, the proceedings are pending and the amount that is due and payable to the depositors also remains unpaid. The learned counsel vehemently opposed the grant of permission to the petitioners to leave India and requested this Court for the dismissal of the petition.

5, This Court has carefully considered the submissions made on either side and also the materials available on record.

6. It is an admitted fact that the proceedings are pending from the year 2011 without any progress. The passport of the petitioners has also expired and it requires renewal. The

reasons stated by the petitioners to visit U.S.A also looks genuine. The petitioners have also filed an undertaking affidavit before this Court to the effect that they will return back to India on or before 01.04.2020.

7. In view of the above, this Court is of the considered view the permission can be granted to the petitioners to visit United States subject to the following conditions:

a) The passport of the petitioners shall be renewed by the appropriate authority upto 01.05.2020.

b) The petitioners are permitted to leave India to United States and they shall return back to India on or before 01.04.2020.

c) The petitioners immediately after returning back to India, shall report before the Special Court for The Puducherry Protection of Interests of Depositors in Financial Establishments Act, 2004 at Puducherry and file a memo regarding their return to India.

d) Exemption is granted to the petitioners from the operation of the provisions of clause (f) sub section (2) of Section 6 of the Passports Act upto 01.05.2020.

e) The petitioners shall strictly abide by the conditions provided in notification NOGSR 570 B dated 25.08.1993.

8. These Criminal Original Petitions are disposed of accordingly.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The Regional Passport Officer

Royal Towers,

No.2 and 3, IV Floor,

Old No.785, New No.158,

Anna Salai,

Chennai-600 002.

2. The Superintendent of Police,

Crime Investigation Department,

No.2, Dumas Street, White Town,

Puducherry-605 001.

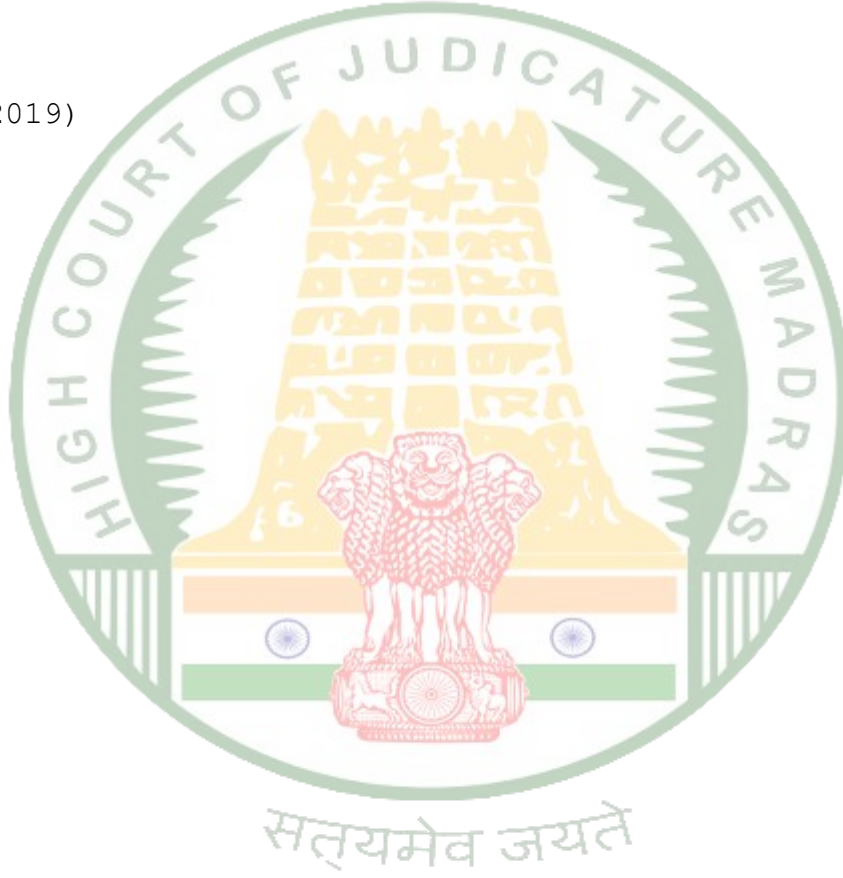
3. The Public Prosecutor
High Court of Madras.

+3 CCS to Mr.B.A.Sujay Prasanna, Advocate sr 52144.

+1 CC to Public Prosecutor(Puducherry) sr 52530.

CRL.O.P.Nos.15811 and 15813 of 2019

SP(03/07/2019)



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