

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.07.2019

CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.17089 of 2019

S.Shameer Akthar

.. Petitioner

vs.

State by Sub Inspector of Police,
S-1, St. Thomas Mount Police Station,
Kancheepuram District.

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to grant the Petitioner permission to leave the country and proceed to Canada for pursuing his higher studies in M.Sc., (Masters in Digital Business) in any one of the Universities in Canada for a period of 3 years beginning from January, 2020.

For Petitioner : Mr.N.Karthikeyan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner seeking for the permission of this Court to leave the country to Canada to pursue the higher studies for a period of three years beginning from January 2020.

2.There is a case and counter which has ended in filing of two final reports before the Judicial Magistrate, Alandur and the same is pending in C.C.No.199 of 2017 and C.C.No.1252 of 2016. In C.C.No.199 of 2017, the present petitioner has been ranked as A5.

3.The learned counsel for the petitioner submitted that none of the parties are interested in conducting the case and there has been absolutely no progress in this case for the last three years and even now it is at the stage of issuing summons. The learned counsel further submitted that the petitioner wants to do his higher studies at Canada and he has to reveal about the pending case in the application and he cannot leave for Canada without the permission of the Court. The learned counsel submitted that the future of the petitioner is being affected due to the pendency of the present case.

4.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5.The petitioner is permitted to file an undertaking affidavit before the Court below giving the entire particulars regarding the course for which he has applied and the date on which he is going to leave India and the date on which he is going to return back to India. The Court below on receipt of the undertaking of the petitioner, shall permit the petitioner to leave India by imposing necessary conditions and the petitioner shall be represented by a counsel throughout the proceedings.

6.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.199 of 2017 and C.C.No.1252 of 2016 within a period of two months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1.The Sub Inspector of Police,
S-1, St. Thomas Mount Police Station,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.M.Karthikeyan, Advocate, S.R.No.54725

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PPA(CO)

RRS (23/07/2019)

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