

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.10256 of 2019

IN CRL.OP.NO.10351 OF 2018

P.VANANGAMUDI

[PETITIONER]

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-V, CHENNAI- 600 016,
CR.NO.1/AC/2018/CC-V.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to pass an order to direct the special court for the cases under the prevention of corruption act, Chennai to return the petitioner's passport bearing No.Z4460988 enable him to travel Australia for the present which was surrendered as per order passed by this court made in Crl.OP.No.10351 of 2018 by the order dated 13/04/2018 in connection with the Crime No.1 of 2018 on the file of the Deputy Superintendent of Police, Vigilance and Anti Corruption, Chennai City-III and to pass such further or other orders.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. LAKSHMANASAMY S., Advocate for the petitioner and of M/S K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR FOR V & AV, on behalf of the Respondent the court made the following order:-

The petition has been filed seeking to direct the Special Court for the cases under the Prevention of Corruption Act, Chennai to return the petitioner's Passport bearing No.Z4460988, to enable him to travel Australia .

2. The learned counsel for the petitioner would submit that the passport of the petitioner was surrendered pursuant to the order of this Court in Crl.O.P.No.10351 of 2018 dated 13.04.2018. He would further submit that the petitioner was granted anticipatory bail in Cr.No.1/AC/2018/CC-V, registered by the respondent, for the offence punishable under Sections 120(B), 420, 467 and 468 of IPC and under Sections 13(2) r/w 13(1)(b) of the Prevention of Corruption Act, 1988. The learned counsel would further added that at the time of granting anticipatory bail, this Court had directed the petitioner to surrender his passport before the trial Court and in due compliance of the order, he surrendered the passport and thereafter, he co-operated with the respondent.

3. The learned counsel would further submit that earlier he filed a petition seeking return of passport to travel to Australia to visit his daughter, who is residing at Australia and this Court, by Order dated 20.07.2018 in CrI.O..No.10351 of 2018 had directed the trial Court to return the passport of the petitioner by imposing certain conditions. After the order passed by this Court, the petitioner appeared before the trial Court and filed an application and the trial Court had returned the passport on 24.07.2018. Thereafter, the petitioner returned to India on 29.10.2018 and surrendered the passport on the same day.

4. The learned counsel would submit that his daughter, who is residing in Australia, has completed Engineering Course and that the Graduation Day is fixed on 08.08.2019. Since the petitioner wants to be with his daughter at the time of Graduation day, he has filed the present petition seeking for return of passport. The learned counsel would further submit that on the earlier occasion, the petitioner has duly complied with the condition imposed by this Court.

5. The learned Additional Public Prosecutor vehemently opposed for return of passport. However he would further submit that investigation has been completed and that the matter is pending with the Government for further orders.

6. This Court on an earlier occasion had directed the trial Court to return the passport to the Petitioner and permitted the petitioner to travel to Australia. The petitioner after his visit abroad, surrendered the passport within the time frame in due compliance of the order,.

7. Considering the facts and circumstances of the case, I am inclined to pass an order, directing the trial Court to return the passport bearing No.Z4460988 to the petitioner for a limited period. The petitioner shall furnish the contact telephone numbers at Australia and also E-mail address to the respondent. The learned trial Judge shall return the passport bearing No.Z4460988 to the petitioner on suitable application being made and the petitioner, on completion of travel to Australia, shall surrender the passport before the trial Court on or before 05.11.2019.

8. With the above directions, the petition is ordered accordingly.

-sd/-

26/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE
FOR V & AC CASES, CHENNAI.

2 THE SPECIAL COURT FOR
PREVENTION OF ANTI CORRUPTION,
CITY CIVIL COURT, CHENNA-104.

3 THE X ADDITIONAL JUDGE
(SPECIAL JUDGE, PC ACT COURT, CHENNAI.

4 THE SPECIAL PUBLIC
PROSECUTOR FOR V & AC, HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF
POLICE,, VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-V, CHENNAI-16,

6 THE DEPUTY SUPERINTENDENT
OF POLICE, VIGILANCE AND ANTI CORRUPTION,
CITY III, CHENNAI.

C.C. to M/S. LAKSHMANASAMY S. Advocate on payment of necessary
charges Sr.64140 (CS)

Order

in
CRL MP.10256/2019

IN CRL.OP.NO.10351 OF 2018

Date :26/07/2019

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RVR 29/07/2019