

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.817 of 2019

Bilal Bin Abdullah .. Rev.Petitioner/Accused

Vs.

State represented by
Inspector of Police,
Central Crime Branch,
State Transport Team,
Chennai.

.. Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 09.07.2019 passed in C.M.P.No.3597 of 2019 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.H.Arif Ali

For Respondent : Mr.G.Ramar
Government Advocate
(Crl.Side)

O R D E R

This revision petition has been filed seeking to set aside the order dated 09.07.2019 passed in C.M.P.No.3597 of 2019 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

2. The brief facts of the case are as under:

2.1 The petitioner submitted his passport to the German Consulate on 03.06.2015 for visa and during the visa interview, the Consulate found that the passport has been tampered, therefore, they lodged a complaint with the police, based on which, a case in Abiramapuram Police

Station Crime No.1938 of 2015 was registered and thereafter, it was transferred to the Central Crime Branch, Chennai, for investigation. While that being so, the petitioner applied for a fresh passport in the Regional Passport Office, Secunderabad, as the petitioner is a native of Telangana. The Regional Passport Office, Secunderabad, has, by communication dated 05.06.2018, conveyed the following to the petitioner:

"3. With reference to your reply letter dated 31.03.2018 to our Show Cause Notice and your representation letter dated 29.05.2018, after careful examination by this office, it has been decided to consider your request, if you obtain permission to travel abroad from the same Court where the case is still pending. In this regard the Ministry of External Affairs Gazette Notification vide G.S.R. 570(E) dated 25.08.1993 is enclosed herewith for information."

2.2 Placing reliance upon the notification G.S.R. 570 (E) issued by the Government of India under the Passports Act, 1967, the petitioner filed CrI.M.P.No.3597 of 2019 in Crime No.1938 of 2015 before the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, for permission to travel abroad, which has been dismissed by the Trial Court on 09.07.2019, challenging which, the petitioner is before this Court under Section 397 r/w 401 Cr.P.C.

3. Heard Mr.H.Arif Ali, learned counsel for the petitioner and Mr.G.Ramar, learned Government Advocate (CrI.Side) for the respondent/State.

4. Today, Mr.Subash Chandra Bose, Sub-Inspector of Police, CCB-Fake Passport Team, Chennai, is present before this Court.

5. The learned counsel for the petitioner submitted that, since 2015, the petitioner has not been able to obtain his passport for going abroad in connection with his business work, because, the police have not completed the investigation, due to which, the petitioner has not been able to get a fresh passport. He further submitted that under the notification G.S.R. 570(E), if the Court, where, the case is pending, grants permission, then a temporary passport will be issued by the authorities, with which, the petitioner can go abroad.

6. Though the submission of the learned counsel for the petitioner is legally correct, yet in the facts and circumstances of this case, the permission sought by the petitioner cannot be granted, since a final report has not been filed by the police.

7. On instructions, the learned Government Advocate (Crl.Side) submitted that the investigation has almost been completed and the final report will be filed within two months.

8. Recording the submission made by the learned Government Advocate (Crl.Side), the respondent/police is directed to file a charge sheet or a closure report as the case may be, within two months from the date of receipt of a copy of this order and thereafter, it is open to the petitioner to seek a fresh permission before the Trial Court in accordance with the notification G.S.R. 570(E).

In the result, this criminal revision petition is disposed of.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

nsd
To

1. The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai.

2. The Inspector of Police,
Central Crime Branch,
State Transport Team,
Chennai.

+1cc to Mr.H.Arif Ali, Advocate SR.No. 73104

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A.SK(03/10/2019)