

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 30074 of 2019

Balakrishnan ... Petitioner / Appellant/A3
Vs.

State, represented by
Inspector of Police,
CBI/ACB/Chennai ... Respondent/ Respondent/Complainant

PRAYER:Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to comply the order passed in Crl.M.P.No.19268 of 2019 in Crl.A.No.74 of 2010 on the file of the VII Additional Sessions Judge, Chennai and return his passport for the purpose of renewal.

For Petitioner : Mr. K.P. Anantha Krishna
For Respondent : Mr.K. Srinivasan,
Spl. Public Prosecutor, CBI Cases

O R D E R

The petitioner who is A3 in C.C.No.2361 of 2001 was convicted by the trial court viz., Additional Chief Metropolitan Magistrate, Egmore, Chennai, against which, he preferred an appeal in Crl.A.No.74 of 2010 before the VII Additional Sessions Judge, Chennai.

2. Learned counsel for petitioner submits that at the time of investigation, the petitioner's house was searched, during which, the petitioner's passport was seized and the same has been produced before the trial Court. In the trial, the passport has not been marked as an exhibit. Hence, the petitioner filed a petition seeking return of passport in Crl.M.P.No.19268 of 2019 before the Sessions Judge, who, by order dated 4.10.2019, directed the respondent therein to return the passport of the petitioner bearing No.761266821 on the petitioner executing a bond for Rs.50,000/- to the satisfaction of that court and further the petitioner was directed to return the passport on or before 31.10.2019, or immediately after the renewal, whichever was earlier. Accordingly, the petitioner executed a bond and approached the respondent police along with the certified copy of the above order for return of passport. The respondent informed the petitioner on 18.10.2019 that the passport is not with their custody and it is deposited before the trial court

namely Additional Chief Metropolitan Magistrate Court, Egmore.

3. Thereafter the petitioner filed a memo before the trial court along with the order of the Sessions Judge on 24.10.2019, but the said memo was returned by the Additional Chief Metropolitan Magistrate, Egmore stating that 'there is direction only to the respondent police to return the passport, not for this Court, hence returned'.

4. Learned counsel for the Petitioner further submitted that the petitioner is a British citizen and he along with his wife and children are residing in Neelankarai, his children were born in Chennai and he is put to stay in Chennai for the purpose of proving his innocence and he has been regularly appearing before the trial court as well as before the appellate court. Initially his passport got expired in the year 2009, hence with the permission of the High Court, the petitioner renewed the same and thereafter re-submitted the passport. Now the passport expired during October 2019, therefore he sought for return of passport for the purpose of renewal and for re-submission.

5. It is also submitted that another passport of the petitioner which expired in the year 2009, bearing No.5003028196 is with the petitioner.

6. In view of the above submissions and taking note of the fact that the Sessions court had already granted return of passport and the petitioner had executed the bond, the learned Additional Chief Metropolitan Magistrate, Egmore is directed to return the passport of the petitioner, bearing No.761266821, enabling the petitioner to renew the same. The petitioner after renewal of passport, has to resubmit the same in C.A.No.74 of 2010 which is now transferred and pending before the file of II Addl. Sessions Judge, Chennai within a period of 10 days from the date of receiving the renewed passport. Further the expired passports bearing Nos.500302819 and 761266821 to be submitted along with the renewed passport.

7. With the above observation, this petition is disposed of.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

msr

To

1.The Inspector of Police,
CBI/ACB/Chennai.

2.The Special Public Prosecutor,
CBI Cases, High Court, Madras.

3. The VII Additional Sessions Judge,
Chennai.

4.The Additional Chief Metropolitan Magistrate, Egmore

5.The II Additional Sessions Judge, Chennai

+1cc to Mr.K.P.Anantha Krishna , Advocate SR.No. 94202

Cr1.O.P.No. 30074 of 2019

A.SK(15/11/2019)



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