

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No. 33526 of 2019

V.Venkatesh

...Petitioner

Vs.

1.State represented by
Deputy Superintendent of Police,
EOW, CBI, Chennai.

2.The Regional Passport Officer,
Chennai.

...Respondents

Prayer: Petition for modification under Section 482 of Cr.P.C., filed to modify the order dated 19.10.2019 of the learned Additional Chief Metropolitan Magistrate in Cr1.M.P.No.1771 of 2019 in CC NO.9825 of 2005 on the file of the Hon'ble Additional Chief Metropolitan Magistrate Court, Egmore, Chennai by issuing Passport to the petitioner with usual validity period of 10 years.

For Petitioner : Mr.B.Natarajan

For Respondents : Mr.K.Srinivasan,
Special Public Prosecutor for CBI Cases.
Mr.R.Vasudevan,
Central Government Standing Counsel for R2

O R D E R

The petitioner has filed this writ petition under Section 482 of Cr.P.C., to direct the second respondent to issue passport to the petition with a validity period of 10 years.

2. The facts leading to the filing of this criminal original petition are as follows:-

The petitioner was arrayed as an accused on the file of the CBI, EOW, Chennai registered in R.C.No. 5/E/2001 and 6/E/2001. Charge sheet was laid on the petitioner for the offences under Section 120B r/w 406, 420 of IPC and substantive offences U/s. 406 and 420 of IPC. The petitioner was directed to surrender his passport with the Investigation Officer CCB, EOW-II.

Accordingly, he surrendered his passport and received an acknowledgement of receipt. Periodically, the passport of the petitioner was renewed for 1 year or 2 years. The Central Bureau of Investigation strongly objected the issuance of passport to the petitioner with a long validity, since they entertain apprehension with the petitioner would flee the country. While so, the petitioner approached the Additional Chief Metropolitan Magistrate, Egmore for filing CrI.M.P.No. 1771 of 2019 seeking direction to the second respondent to renew the passport with a validity period of 10 years. The said application was opposed by the Central Bureau of Investigation. After hearing both the parties, the learned Metropolitan Magistrate, directed the Regional Passport Officer to renew the passport of the petitioner and further directed the petitioner to intimate the Court about the date of his travel, address of stay during such travel and date of return. The petitioner has now approached to modify the conditions and to issue passport with a validity period of 10 years.

3. Heard Mr.B.Natarajan, learned counsel appearing for the petitioner and Mr. K.Srinivasan, Special Government Pleader for CBI Cases and perused the materials available on record.

4. The petitioner has arrayed as an accused in C.C.No. 9825 of 2005 on the file of the Additional chief Metropolitan, Egmore, Chennai. The petitioner is facing previous charges of cheating, misappropriation of funds. If the prayer sought for by the petitioner is granted, there is every chance of the petitioner will leave the country and escape from the clutches of law. The apprehension raised by the investigation agency namely, Central Bureau of Investigation is well founded. At the same time, it is also true that unless the Court have come to conclusion after full pledged trial that the petitioner is guilty of offence charged against him. The personal liberty of the petitioner cannot be curtailed. Therefore, the balance has to be construct between both the aspects. In veiw of the same, the following order is passed in this criminal original petition:-

1) The second respondent/ passport Officer is directed to renew the passport of the petitioner for a period of two years only.

2) The petitioner shall seek the permission of the Trial Court before making any journey leaving the country. The permission should be sought for in the Trial Court even before booking tickets and the reasons for such journey should also be given in written. Only when the Trial Court grants permission, the petitioner shall make his travel arrangements. The

petitioner should also inform the Trial Court the date of commencement of travel, return of journey and address at which the petitioner would stay during the course of his journey. The petitioner shall duly return to India on the date mentioned before the Trial Court.

5. This writ petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:-

1. The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Deputy Superintendent of Police,
EOW, CBI, Chennai.
- 3.The Regional Passport Officer,
Chennai.
- 4.The Special Public Prosecutor,
Prosecutor for CBI Case,
Chennai.

+1cc to Mr.B.Natarajan, Advocate Sr.No.104293

+1cc to Mr.R.Vasudevan, Advocate SR.No.103990

AKM/17.12.19 /3P-7C/ सत्यमेव जयते

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