



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Second day of April Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.3085 of 2019

IN

CRL OP(MD) No.633 of 2010

JOSE

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NITHIRAI VILLAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.170/2009)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to relax the condition of surrendering the passport of the petitioner imposed in Crl.OP(MD)No.633 of 2010 dated 22.01.2010.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.MANDHIRALINGESWARAN, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl Side) for the Respondents the court made the following order:-

This is an application for relaxation of the order of bail that has been imposed by this Court in Crl.O.P.(MD).No.633 of 2010, on 22.01.2010. This Court while granting bail to the petitioner, had directed him to surrender his passport before the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District.

2.The learned counsel for the petitioner submitted that the case was charge sheeted in P.R.C.No.5 of 2011 and thereafter, committed to the Sessions Court and taken on file in S.C.No.70 of 2011, by the Fast Track Mahila Court and after completion of the trial, the said case against the petitioner was ended in acquittal on 19.11.2018. The appeal period is already over and against the above said acquittal, there is no appeal preferred by the State. After the acquittal, the petitioner filed a petition in Cr.M.P.No. 2019 in P.R.C.No.5 of 2011, before the learned Judicial Magistrate No.II, Kuzhidurai on 14.03.2011, seeking for the relief under Section 452 of Cr.P.C., for return of passport surrendered by him. On receiving the above petition, the learned Judicial Magistrate returned the petition stating that "appropriate Court order to be produced" on the same day. Now, this petitioner seeks for relaxation of the conditions imposed on the ground that he wants to go abroad for his job.



3. Heard the learned Government Advocate (Crl. Side) appearing for the State.

4. In the present case, after conclusion of trial, the petitioner was acquitted, in S.C.No.70 of 2011, on the file of the Fast track Mahila Court, Kanniyakumari at Nagercoil. Thereafter, the petitioner filed a petition under Section 452 Cr.P.C., seeking return of passport. The petitioner has surrendered his passport as per the direction of this Court in Crl.O.P.(MD).No.633 of 2010, dated 22.01.2010 and the said criminal case was ended in acquittal by the learned Judge, Fast Track Mahila Court, Kanniyakumari at Nagercoil and therefore, there is no legal impediment to entertain the petition filed by the petitioner under Section 452 Cr.P.C. Hence, the learned Judicial Magistrate No.II, Kuzhithurai, is directed to entertain the petition filed by the petitioner under Section 452 Cr.P.C and pass appropriate orders on the same as per law.

5. With the above direction, this Miscellaneous petition is disposed of.

sd/-
02/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHIDURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE JUDGE, FAST TRACK MAHILA COURT,
KANYAKUMARI AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE
NITHIRAI VILLAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE OFFICER INCHARGE, SUB JAIL, KUZHIDURAI.
- 6 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr. S. MANDHIRALINGESWARAN Advocate SR.No.5971
PS/JC/SAR-3/16.04.2019/2P/8C

ORDER
IN
CRL MP (MD) No.3085 of 2019
IN
CRL OP (MD) No.633 of 2010
Date : 02/04/2019