



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)Nos.16493 and 16496 of 2019

Sahayam

... Petitioner in both Crl.O.Ps.

Vs

The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi.

Crime No.88/2018

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Petition filed under Section 439(1)(b) r/w 482 Code of Criminal Procedure, to modify the condition No.(e) imposed by the learned Principal District and Sessions Judge, Ramanthapuram made in Cr.M.P.Nos.2091 and 2109 of 2018, dated 13.11.2018 respectively and direct the learned Judicial Magistrate, Paramakudi to return the passport of the petitioner bearing number H6826746 forthwith in the interest of justice.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)
(in both Crl.O.Ps)

COMMON ORDER

The petitioner has invited trouble for himself by posting unnecessary and offending messages in the social media. He moved the Court below for bail. He was granted relief on condition that he will deposit the passport. The said condition is now sought to be modified.

2. The petitioner's counsel states that the petitioner is employed in USA and that, on account of the seizure of the passport, he is unable to rejoin duty.

3. The issue concerns the petitioner's livelihood and career. Therefore, the request of the petitioner for return the passport is reasonable.



4. But then, the petitioner's counsel, on instructions, gives an undertaking that he will refrain from posting any offending message in the social media hereafter. If he has any grievance against the defacto complainant, he will only take recourse to due process.

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5. Recording the undertaking given by the petitioner 's counsel that he will refrain from posting any offending messages concerning the defacto complainant in future, the condition No.(e) imposed by the Court below stands modified and the learned Judicial Magistrate, Paramakudi, is directed to return the petition mentioned passport to the petitioner, so that, the petitioner can travel Abroad. But then, in view of the registration of the criminal case against him, the passport of the petitioner will have to be extended only for a limited period.

6.The petitioner's counsel gives further undertaking that he will issue special vakalat in favour of some counsel, so that, on account of the non presence of the petitioner in India, the case will not be affected in any manner.

7.In view of the above, these criminal original petitions stand allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi.

2.The Judicial Magistrate, Paramakudi.

+1 CC to M/s.RM.ARUN SWAMINATHAN, Advocate (SR-98554[F] dated 15/11/2019)

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JMN (05.12.2019) 2P : 4C

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