



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.16220 of 2017

and

Crl.M.P. (MD) No.10749 of 2017

The State rep by
The Inspector of Police,
Kudankulam Police Station,
Tirunelveli District.

...Petitioner/Respondent

Vs.

Dr.S.P.Udayakumar

... Respondent/ Petitioner

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records passed by the learned Judicial Magistrate, Valiyoor in Cr.M.P.No.5053 of 2017 dated 11.09.2017 and set aside the same as illegal.

For Petitioner : Mr.S.Chandrasekar,
Additional Public Prosecutor

For Respondent : Mr.T.Lajapathiroy

O R D E R

This Criminal Original Petition has been filed by the prosecution challenging the order passed by the Court below, permitting the respondent to travel abroad. This petition was filed in the year 2017 and the order was passed on 11.09.2017 and the same was stayed by this Court by an order dated 14.11.2017.

2. The learned Additional Public Prosecutor submitted that there are several cases pending against the respondent and therefore, if he is permitted to go abroad, he will abscond.

3. The learned counsel for the respondent submitted that false cases have been foisted against the respondent and that the respondent cannot be prevented from going abroad and the same will amount to interfering with the fundamental rights of the respondent under Article 21 of the Constitution of India.



4. Learned counsel for the respondent relied upon the judgment of the Hon'ble Supreme Court in **Satish Chandra Verma vs. Union of India and others** in Civil Appeal No.3802 of 2019 dated 09.04.2019.

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5. In the considered view of this Court, this Court need not venture into the merits of the case, since two years have passed from the date on which the order was passed by the Court below. By virtue of the interim order granted by this Court dated 14.11.2017, the operation of the order passed by the Court below has been stalled.

6. At this stage, this Court does not want to go into the merits of the order passed by the Court below. In view of the lapse of time, it will always be left open to the respondent to file an appropriate petition before the concerned Court and the same will be dealt with in accordance with law. That apart, there is also a connected writ petition that is pending before this Court for a similar relief in W.P.(MD) No.23415 of 2018.

7. In view of the above, this Criminal Original Petition is disposed of. Consequently, connected Crl.M.P.(MD) No.10749 of 2017 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.I,
Trichirappalli.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-87851[F] dated 19/09/2019)

Order made in
Crl.O.P. (MD) .No.16220 of 2017

Dated:
18.09.2019