

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.R.C.No.338 of 2020

Ms.Law Wan Teng

... Petitioner

Vs.

The State Rep. by,
Sub-Inspector of Police,
Ariyoor Police Station.
(Cr.No.285/2019).

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 06.01.2020 passed in C.M.P.No.9998 of 2019 in Crime No.285 of 2019 on the file of the respondent Police praying for return of Singapore Passport bearing No.E6402320K, passed by the Judicial Magistrate-I (FAC), Vellore.

For Petitioner : Mr.Thamizmaran

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioner, who is A1 in Crime No.285 of 2019, for offence under Sections 468, 471, 109, 506(ii), 505(iii), 507, 384, 511 IPC and Section 66-A of Information Technology Act, has filed a petition under Section 451 Cr.P.C., before the learned Judicial Magistrate No.I (FAC), Vellore, to return the original Singapore passport bearing number E6402320K. The learned Judicial Magistrate No.I (FAC), Vellore, by order, dated 06.01.2020 in C.M.P.No.9998 of 2019, dismissed the petition, aggrieved over the same, the present revision.

2.The case of the prosecution is that the petitioner had given a bomb threat to Om Sakthi Narayani Chittar Peedam Charitable Trust, Vellore through Email. On the complaint of the Managing Director of the temple Mr.Sampath, an FIR in Crime No.285 of 2019 has been registered against the petitioner and three others and the petitioner was arrested in Crime No.285 of 2019 on 01.09.2018 and later, released on bail by this Court in

CrI.O.P.No.28142 of 2019, dated 04.11.2019. This Court while granting bail to the petitioner, ordered to surrender her passport bearing number E6402320K to the Court below. In obedience to the order, the petitioner surrender her passport before the learned Judicial Magistrate No.I (FAC), Vellore.

3.The learned counsel for the petitioner submitted that the petitioner is a Singapore citizen and she is holding a Singapore passport bearing number E6402320K. In obedience to the order of this Court, the petitioner surrendered her passport before the Court below. The petitioner, who is a Singapore citizen, without her passport, unable to get accommodation in lodges and with great difficulty, she is staying in lodges. On the complaint given by the Managing Director of the temple Mr.Sampath, the petitioner as well the other accused were arrested and remanded to judicial custody and thereafter, the petitioner granted bail by this Court and ordered to surrender her passport before the Court below. The learned counsel for the petitioner further submitted that the petitioner is facing great difficult in getting accommodation. The case is only of an attempt. Now the investigation, in this case, completed, charge sheet filed, which is taken on file as C.C.No.186 of 2020 by the learned Judicial Magistrate No.I (FAC), Vellore, citing 26 witnesses and the petitioner is ready to cooperate with the trial.

4.The learned counsel for the petitioner has filed the typed set of papers stating that the arrest of the petitioner was informed to the Singapore Consul-General, Chennai and she is suffering from Schizophrenia and she is under Antipsychotic Medication and taking treatment from the year 2016. She is also suffering from hallucination of hearing voices controlling her mind. Added to it, she has got shortness of breath, abdominal and back pain and she has got a liver disease and the function of liver is deteriorating dramatically and she is to have liver transplantation and also having memory loss. In support of the same, she filed medical certificate produced by the Senior Registrar Department of Gastroenterology, Singapore General Hospital, Institute of Mental Health, Singapore and a letter from Consulate-General of the Republic of Singapore, Chennai. Hence, he prayed to set aside the order of the Court below.

5.Per Contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had given a bomb threat to Om Sakthi Narayani Chittar Peedam Charitable Trust, Vellore through Email. Hence, on the complaint given by the Managing Director of the temple Mr.Sampath, the petitioner as well the other accused were arrested and remanded to judicial custody. During investigation, from the petitioner, one Apple mobile phone,

Vodafone sim card, 8GB SD Card-1, HI sim card-5, M-Card Sim-2, Samsung Gold colour Phone back panel-1 and Samsung Battery, Genuine Mobile Invoice were seized under the cover of seizure mahazar. After completion of investigation, charge sheet came to be filed before the learned Judicial Magistrate No.I (FAC), Vellore. If the passport is returned to the petitioner, she would flee from India, which would delay the progress of the trial. Hence, he prayed to dismiss the revision.

6.This Court considered the rival submissions and perused the materials available on records.

7.It is seen that the petitioner was arrested in this case on 01.09.2018 and later, released on bail on 04.11.2019. The petitioner is a Singapore citizen and she is holding a Singapore passport. She surrendered her passport before the Court below are undisputed. In this case, now charge sheet has been filed in C.C.No.186 of 2020, which is pending before the learned Judicial Magistrate No.I (FAC), Vellore. It is found that the petitioner is suffering from various health ailments. The petitioner has got serious mental health issues, which needs constant observation and regular medication. Further, the petitioner is also suffering from liver disease and she has to undergo liver transplantation for her survival. The arrest of the petitioner has been informed to Singapore Consul-General, Chennai. The petitioner being a Singapore citizen, getting accommodation in lodges and inn without passport is not possible.

8.Thus, the return of passport/travel document to the petitioner is must and necessary. Considering the petitioner being a Singapore citizen and got serious health ailments, this Court is inclined to return the passport to the petitioner subject to the following conditions:-

- The learned Judicial Magistrate No.I (FAC), Vellore, to take photostat copy of the passport and retain the same in the concerned case bundle.
- The petitioner is permitted to travel Singapore considering her citizenship and health ailments, on condition that the petitioner to furnish the details of date of departure from Chennai; place of stay in Singapore; period of stay in Singapore; contact details of all modes by way of an affidavit.
- The petitioner to file affidavit informing the Court that her identify would not be disputed; her absence would no way hamper or stall the progress of the trial; her Advocate would file necessary petition to proceed with the trial; she would not be the reason for delay in trial in any manner and she shall appear before the trial Court as and when directed.

9.In view of the above, the order dated 06.01.2020 made in C.M.P.No.9998 of 2019 passed by the learned Judicial Magistrate No.I (FAC), Vellore is set-aside and the revision is, accordingly, allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate Court No.I (FAC),
Vellore.

2.The Sub-Inspector of Police,
Ariyoor Police Station.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Swaminathan Law Associates, Advocate, S.R.No.39761

SR II(CO)
GN(16/12/2020)

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