



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8004 of 2020

B.Bhavani

... Petitioner

Vs.

1.Regional Passport Officer,
Royala Towers,
No. 2 and 3, IV Floor,
Old No. 785, New No. 158,
Anna Salai,
Chennai - 600 002.

2.Superintendent of Police,
Crime Investigation Department,
No.2, Dumas Street, White Town,
Puducherry - 605 001.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Regional Passport Officer, Chennai, the 1st Respondent herein, to renew the passport of the Petitioner, Mrs.B.Bhavani bearing Passport No. T6979258, for a period of one year and permit the Petitioner herein to travel abroad to USA on condition to return to India on or before 30/04/2021.

For Petitioner : Mr.Ravi Seshatri
for M/s.Gupta and Ravi

For R1 : Mr.V.Balamurugane
Additional Public Prosecutor
(Pondicherry)

O R D E R

This petition has been filed to direct the Regional Passport Officer, Chennai, the 1st Respondent herein, to renew the passport of the Petitioner, Mrs.B.Bhavani bearing Passport No. T6979258, for a period of one year and permit the Petitioner herein to travel abroad to USA on condition to return to India on or before 30/04/2021.

2. Based on the final report filed by the second respondent police, proceedings are pending in C.C No.1 of 2011 on the file of the Special Court for The Puducherry Protection of Interests and Depositors in Financial



Establishments Act 2004. The Petitioner was arrayed as an offender for commission of offence under The Puducherry Protection of Interests of Depositors in Financial Establishments Act, 2004. It is brought to the notice of this Court that till today even the charges have not been framed and there has been no progress in the case from the year 2011 onwards.

3. Mr.Ravi Seshatri, learned Counsel appearing on behalf of the petitioner submitted that the daughter of the petitioner in CrI.O.P.No.27181 of 2009 who is living in United States got conceived and is expected to deliver a child this year. Since she does not have anyone there to take care of her, the petitioner who is co-sister wants to visit United States in order to help her. The learned Counsel further submitted that the petitioner undertakes to return back to India on or before 30.04.2021. An undertaking affidavit has also been filed by the petitioner to that effect.

4. The learned Additional Public Prosecutor, Pondicherry submitted that eventhough there was a proposal to repay back the deposit, the same did not go through and till date, the proceedings are pending and the amount that is due and payable to the depositors also remains unpaid. The learned counsel vehemently opposed the grant of permission to the petitioner to leave India and requested this Court for the dismissal of the petition.

5. This Court has carefully considered the submissions made on either side and also the materials available on record.

6. It is an admitted fact that the proceedings are pending from the year 2011 without any progress. The passport of the petitioner has also expired and it requires renewal. The reasons stated by the petitioner to visit U.S.A also looks genuine. The petitioner has also filed an undertaking affidavit before this Court to the effect that they will return back to India on or before 30.04.2021.

7. In view of the above, this Court is of the considered view the permission can be granted to the petitioner to visit United States subject to the following conditions:

a) The passport of the petitioner shall be renewed by the appropriate authority upto 30.04.2021.

b) The petitioner is permitted to leave India to United States and she shall return back to India on or before 31.12.2020.

c) The petitioner immediately after returning back to India, shall report before the Special Court for The Puducherry Protection of Interests of Depositors in Financial Establishments Act, 2004 at Puducherry and file a memo regarding their return to India.



d) Exemption is granted to the petitioner from the operation of the provisions of clause (f) sub section (2) of Section 6 of the Passports Act upto 31.12.2020.

e) The petitioner shall strictly abide by the conditions provided in notification NOGSR 570 B dated 25.08.1993.

8. This Criminal Original Petition is allowed accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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Chennai - 600 002.

2.Superintendent of Police,
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3.Additional Public Prosecutor, (Pondicherry)
High Court, Madras.

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CA(CO)
EU 10.07.2020