



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Fourteenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL MISCELLANEOUS PETITION No.4981 of 2020
IN CRL OP.24216/2018

JOHN PRABAKAR

[PETITIONER]

Vs

1 THE REGIONAL PASSPORT OFFICER [RESPONDENTS]
REGIONAL PASSPORT OFFICE,
CHENNAI 600 002

2 THE STATE REP.BY
THE ADDITIONAL SUPERINTENDENT OF POLICE,
CBI/EOW, CHENNAI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the time granted in Crl.OP.No.24216 of 2018 dated 01.11.2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.VIVEKANANTHAN, Advocate for the petitioner and of THE PUBLIC PROSECUTOR on behalf of the 1st Respondent and of THE SPECIAL PUBLIC PROSECUTOR on behalf of the 2nd Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking to extend time granted in Crl.O.P.No.24216 of 2018, dated 01.11.2018.

2.This Court by order dated 01.11.2018 in Crl.O.P.No.24216 of 2018 had permitted the petitioner to renew his passport bearing No.Z1745069 by the Regional Passport Officer, Regional Passport Office, Chennai and also granted permission to the petitioner to travel abroad for a period of two years with the following conditions:-

"In the result, this petition is allowed with the following conditions:-

(i)The petitioner shall strictly abide by the undertaking given by him before this Court.



(ii) The petitioner shall furnish the details of travel and place of stay at Poland.

(iii) The petitioner shall surrender the original passport before the trial Court immediately on return from Poland."

3. Pursuant to the order of this Court, the Regional Passport Officer, Regional Passport Office, Chennai had granted new passport bearing No. Z4713090 on 12.11.2018. On informing the respondents, the petitioner left India on 14.03.2020.

4. The learned counsel for the petitioner submitted that the petitioner is now residing at No.8, Turystyczna, Rybie Raszyn, Warsaw, Poland with his 19 years old daughter and due to COVID-19 pandemic situation, he is unable to return to India. Further, his presence in Poland is necessary now and his passport is about to expire on 11.11.2020 and he has to necessarily approach the Indian Embassy at Poland for renewal of his passport bearing No. Z1745069 and new No. Z4713090. Thereafter only he can return to India. The learned counsel for the petitioner further submitted that the pandemic situation is unpredictable and nobody is certain when the travel restriction would be lifted and the pandemic condition varies from country to country and the restrictions also varies. As of now, the petitioner is restricted to move out of Poland and his passport is due to expire on 11.11.2018. Hence, the renewal of his passport is necessary.

5. The learned counsel for the petitioner further submitted that the two FIRs in Crime No.17 of 2019 for alleged offence under Sections 12(1)(b) and 12(2) of the Passport Act r/w Section 420, 468 and 471 IPC and Crime No.18 of 2019 for alleged offence under Section 12(1)(b) and Section 12(2) of the Passport Act r/w Section 420, 468 and 471 IPC are being investigated by the Inspector of Police, Central Crime Branch, Chennai and the final report is yet to be filed. Likewise, the case against the petitioner in C.C.No.2 of 2013 has been closed by the learned II Additional District Judge/Special Judge (CBI Cases), Coimbatore by order dated 17.03.2015 as follows:-

"In the result in view of the order passed by the Hon'ble Supreme Court of India in Civil Appeal No.3062-2015 and the Hon'ble Madras High Court in Criminal R.C.No.838-2014 subject to the order to be passed by the Hon'ble Madras High Court in W.P.No.21801-2012 and CrI.O.P.No.2691 and 5356-2011 for the present this case in C.C.No.2 of 2013 is closed."

6. Now, the 2nd respondent challenging the order passed by the learned II Additional District Judge/Special Judge (CBI Cases), Coimbatore, filed CrI.O.P.No.1661 of 2016 before this Court and the same is pending and stay was granted, as such the closing of case in C.C.No.2 of 2013 by the learned II Additional District Judge/Special Judge (CBI Cases), Coimbatore is in force. Hence, on record no



criminal case is pending against the petitioner in any Court of India. As per GSR 570 (E), the petitioner is to get permission from the concerned Court. Hence, he earlier approached this Court and sought permission by way of filing Crl.O.P.No.24216 of 2018. This Court on considering all these aspects, by order dated 01.11.2018 permitted the petitioner to travel abroad for a period of two years on certain conditions as stated above. Since the date of expiry of passport is nearing and the pandemic situation is uncertain, the petitioner seeks extension of time.

7.The learned Central Government Standing Counsel appearing for the 1st respondent submitted that the 1st respondent will abide by the order of this Court.

8.The learned Special Public Prosecutor appearing for the 2nd respondent submitted that Crl.O.P.No.1661 of 2016 is pending before this Court against the petitioner and the 2nd respondent's concern is that the petitioner to be available for hearing in Crl.O.P.No.1661 of 2016 and the subsequent proceedings, thereof, if any. He further submitted that the renewal of passport and staying at Poland should no way hinder the progress of the case. The petitioner has already given undertaking as per the order of this Court in Crl.O.P.No.24216 of 2018, dated 01.11.2018. Hence, similar undertaking to be given by the petitioner.

9.Considering the rival submissions and on perusal of the materials, it is seen that the petitioner is a President of Indo Poland Chamber of Commerce and Industry in Tamil Nadu and he is staying with his daughter in Poland. The travel restriction due to prevailing pandemic situation is a fact and the petitioner's passport is about to expire on 11.11.2020 and the passport to be submitted for renewal before the Indian Embassy at Poland, wherein the petitioner is presently stuck.

10.In view of the above, this Court is inclined to grant permission to the petitioner to travel abroad for a period of further two years with the following conditions:-

(i)The Passport authorities to renew the passport of the petitioner bearing No.Z1745069 and new No.Z4713090.

(ii)The petitioner to furnish the details of the travel, place of stay with contact particulars and an undertaking to surrender the original passport to the Registry of this Court to be kept safely as part of record in Crl.O.P.No.1661 of 2016.



11. With the above directions, this Criminal Miscellaneous Petition is ordered.

WEB COPY

-sd/-
14/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE,
CHENNAI 600 002.

2 THE ADDITIONAL SUPERINTENDENT OF POLICE,
CBI/EOW, CHENNAI

3 THE II ADDITIONAL DISTRICT
JUDGE/SPECIAL JUDGE (CBI CASES),
COIMBATORE.

4 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

5 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
ER SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.VIVEKANANTHAN Advocate on payment of necessary charges SR.No.6384

Order

in
CRL MP.4981/2020

in
CRL OP.24216/2018

Date :14/09/2020

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CS 22/09/2020