

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.31209 of 2019

L.Kalidasan

...Petitioner/Accused No.1

Vs.

1.State Rep by
The Inspector of Police,
W2, AWPS, Triplicane,
Chennai - 2.

2.S.Porkodi
(R2 impleaded as per order in
Crl.MP.17350/2019 dated 25.11.2019
in Crl.OP.31209/2019)

.... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the respondent to hand over the original UK passport bearing No.549376654 which was seized in connection with the case in Crime No.7 of 2018, by permitting the petitioner to go abroad for a period of one year.

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1
: Mr.S.Shujath for R2

ORDER

This Criminal Original Petition has been filed to direct the respondent to hand over the original UK passport bearing No.549376654 which was seized in connection with the case in Crime No.7 of 2018, by permitting the petitioner to go abroad for a period of one year.

2. The learned counsel for the petitioner has submitted that based on the complaint lodged by the second respondent, the first respondent has registered the FIR in Crime No.7 of 2018 under Sections 294(b), 498(A) IPC and Section 4 of Dowry Prohibition Act. He further submitted that subsequently LOC was

issued, in pursuance of the said LOC, the petitioner was arrested at Delhi Airport on 24.05.2019 and the petitioner's passport was also seized. He further submitted that subsequently, the petitioner was released on bail on 29.05.2019 by the Additional Mahila Court, (Magisterial level). He further submitted that though the petitioner was born in India, subsequently he was settled at U.K and got citizenship there and hence the Government of U.K has issued passport and visa to the petitioner. He further submitted that in the visa which was issued on 07.05.2019 it is specifically stated that the said visa is valid for 365 days. Further, the continuous stay during each visit should not exceed 180 days. He further submitted that already the said period is over and the petitioner has to go to U.K or otherwise he has to face the penal action. He further submitted that the petitioner has already filed a petition before the Trial Court seeking return of the passport, but the Trial Court has returned the said application stating that the passport has not been produced before the said Court and hence he requests to direct the first respondent to return the passport and also grant permission to go abroad.

3. Per contra, the learned Additional Public Prosecutor has submitted that since LOC was issued, the petitioner was arrested by the Delhi Police and the passport was seized and the same was produced before the Delhi Court. He further submitted that only recently, the first respondent has received the said passport from the concerned Court at Delhi and produced the same before the learned Additional Metropolitan Mahila Court, Egmore, Chennai on 21.11.2019 and hence he requests to direct the petitioner to approach the Trial Court and get appropriate relief.

4. The learned counsel for the second respondent has submitted that since the petitioner is a citizen of U.K. if he is allowed to go abroad, the trial will be jeopardised.

5. Considering the submissions of the learned Additional Public Prosecutor that on 21.11.2019, the first respondent has produced the petitioner's passport before the Additional Metropolitan Mahila Court, Egmore, Chennai, the petitioner is directed to represent the application for return of passport before the said court within a week from the date of receipt of a copy of this order. On said representation, the learned Additional Metropolitan Mahila Court, Egmore, Chennai, is directed to dispose of the said application within a week thereafter.

6. With the aforesaid directions, this petition is disposed of.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
W2, AWPS, Triplicane,
Chennai - 2.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. The Additional Metropolitan Mahila Court,
Egmore, Chennai.
- +1 CC to Mr.N.Manoharan, Advocate sr 8469.

Cr1.O.P.No.31209 of 2019

VSNII (CO)
SP (05/02/2020)



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