



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18352 of 2021

Sundaravel Ramesh

... Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur District @ Thanjavur.
2. The Inspector of Police,
West police station,
Thanjavur @ Thanjavur District,
(Crime No.40 of 2014)
3. The Inspector of Police,
Thanjavur Medical College
Hospital police station,
Thanjavur @ Thanjavur District,
(Crime No.55 of 2013)
4. The Foreigners Regional Registration Officer,
Bureau of Immigration,
Chennai - 600 006.
5. The Passport Officer,
Regional Passport Office,
Tiruchirappalli @ Tiruchirappalli District.
6. Senthil Kumar

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the fifth respondent to return the passport No.Z2366280 to the petitioner and consequently permit the petitioner to travel to Singapore for the purpose of report duty to his employer.

For Petitioner : Mr.N.Sathish Babu

For R-4 & R-5 : Ms.L.Victoria Gowry,
Assistant Solicitor General.

For R-1 to R-3 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

For R-6 : Mr.Srinivasaraghavan



* * *

O R D E R

Heard, Mr.N.Sathish Babu, learned counsel appearing for the petitioner and Ms.L.Victoria Gowry, learned Assistant Solicitor General appearing for respondents 4 and 5 and Mr.T.Senthil Kumar, Additional Public Prosecutor appearing for respondents 1 to 3 and Mr.Srinivasaraghavan, learned counsel appearing for the sixth respondent.

2. The petitioner is facing trial in two cases before the Judicial Magistrate No.I, Pudhukottai. When the petitioner moved this Court on an earlier occasion, relief was granted. The sixth respondent herein filed SLP (Crl.) No.3411 of 2020 before the Hon'ble Apex Court. The Hon'ble Apex Court vide order dated 10.03.2021 modified the order passed by this Court and SLP was disposed of with a direction to the trial Court to conclude the trial within a period of four months. The petitioner herein was directed to not to leave the country until the conclusion of the trial. In case, the trial is not concluded within the stipulated period, the petitioner was given liberty to approach the trial Court for reconsideration of the prayer to leave the country. Hence, as rightly submitted by the learned Additional Public Prosecutor and the learned counsel appearing for the sixth respondent, this criminal original petition is not maintainable.

3. The petitioner is given liberty to move the trial Court with the same relief now sought for before this Court. The petitioner undertakes to file necessary petition on 25.11.2021. The sixth respondent shall also appear before the trial Court either in person or through counsel on 25.11.2021. Thereupon, the learned trial Judge shall dispose of the application on merits and in accordance with law within a period of one week, thereafter.

4. The learned Assistant Solicitor General appearing for the Passport authority states that they will abide by the outcome of the proceedings before the learned trial Magistrate.

5. This criminal original petition is disposed of with the aforesaid directions.

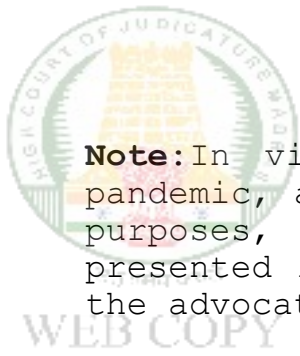
Sd/-

Assistant Registrar (A.E.,)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1 The Judicial Magistrate No.I, Pudukottai.
 2. The Superintendent of Police,
Thanjavur District @ Thanjavur.
 3. The Inspector of Police,
West police station, Thanjavur @ Thanjavur District,
 4. The Inspector of Police,
Thanjavur Medical College
Hospital police station, Thanjavur @ Thanjavur District,
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.N.SATHISH BABU, Advocate (SR-35437[F] dated 23/11/2021)

Crl.O.P.(MD)No.18352 of 2021
23.11.2021

MK/SKN/24.11.2021/3P/7C