



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**Crl.O.P.(MD)No.2351 of 2022**

Murugesan

...Petitioner/Petitioner/Accused No.4

Vs.

State Rep by its  
The Inspector of Police,  
All Women Police Station,  
Pudukottai.

In Crime No.5/2018

...Respondent/Respondent/Complainant

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the order in Crl.M.P.No.850 of 2021 in Spl.S.C.No.26 of 2018 dated on 09.09.2021 on the file of the Learned Special Judge for Mahila Court, Pudukottai in relating to the surrender of Passport and consequently direct the Trial Court to return the Passport to the petitioner.

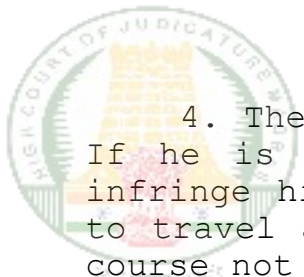
For Petitioner : Mr.P.Aju Tagore  
For Respondent : Mr.M.Sakthi Kumar  
Government Advocate(Crl.Side)

**ORDER**

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. The petitioner is figuring as the fourth accused in Spl.S.C No.26 of 2018 on the file of the learned Special Judge for Mahila Court, Pudukottai.

3. The petitioner is said to be working in Singapore. Earlier Look Out Circular was issued against him. Later the petitioner had to file W.P.(MD).No.19352 of 2019, for withdrawal of the said Look Out Circular. The Look Out Circular was withdrawn and the petitioner also obtained anticipatory bail and appeared before the Court below. However, the petitioner had to surrender his passport before the trial Court. Now, the petitioner wants the passport back for travelling to Singapore. The petitioner's position can as well be imagined.



4. The petitioner's place for earning his livelihood is abroad. If he is made to stay in India, certainly that would seriously infringe his right under Article 21 of the Constitution. The right to travel abroad is also a fundamental right. The said right is of course not absolute and it has to be balanced. The petitioner states that the trial Court can stipulate appropriate conditions to ensure that trial is not delayed on account of his absence.

5. The petitioner can even execute a special vakalat in favour of a counsel to represent him. On these aspects, of course, the learned Trial Judge will have to take a call and I do not want to go into micro details. The request for return of the passport will have to necessarily be conceded. In this view of the matter, the petitioner is permitted to file a fresh petition before the learned trial Judge seeking return of passport and the trial Judge shall allow the same. Of course, it is open to the trial Judge to stipulate appropriate conditions on the petitioner so as to ensure his cooperation for the purpose of trial. The Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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**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 Special Judge,  
Mahila Court, Pudukottai
- 2.The Inspector of Police,  
All Women Police Station, Pudukottai.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.P.AJU TAGORE, Advocate ( SR-4285[F] dated 04/02/2022 )

**Crl.O.P. (MD)No.2351 of 2022**

**04.02.2022**

MGJ(09.02.2022) 2P 5C

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