



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.2199 of 2022

C.Rabeek Raja

... Petitioner/Petitioner

Vs.

The Inspector of Police Cum
Investigation Officer,
Illicit Granite Quarry Cases,
Melur Circle,
Madurai District.

... Respondent/Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the Special Court to Deal with the Cases of Offences in contravention of the Provisions of the Mines and Minerals (D & R) Act, 1957, Madurai in Cr.M.P.No.2229 of 2021 in Special S.C.No.19 of 2021 pending on his file and consequently permit the petitioner to travel abroad.

For Petitioner : Mr.R.Anand
For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (CrI. Side)

O R D E R

The petitioner is figuring an accused in Spl.S.C.No.19 of 2021 on the file of the Special Court to Deal with the Cases of Offences in contravention of the Provisions of the Mines and Minerals (D & R) Act, 1957, Madurai. He has a serious medical condition that has to be immediately attended to. He therefore moved the Court below seeking permission to travel abroad. The said request was rejected by the impugned order dated 18.10.2021. Challenging the same, this criminal original petition has been filed.

2.It is true that adequate medical facilities are available in India also. But then, the choice of doctor and choice of treatment must be left to patient concerned. It is not for the Court to determine the choice of the patient. The case on hand dates back to the year 2012. The petitioner has roots in India. There is no possibility of him fleeing from the long arm of justice. In other words, he is not a travel risk accused. The petitioner undertakes through his counsel that he will furnish the details of the place of treatment before he leaves India to the investigation officer. The



petitioner states that he will return to India within a period four months after he leaves the shores of India.

3.Since such an undertaking has been given, the order impugned in this criminal original petition is set aside and the criminal original petition is allowed.

4.At this stage, the learned counsel for the petitioner informed the Court that the petitioner will not be able to enjoy the fruits of the order because there are similar cases pending against him. Since permission has been granted to the petitioner to travel abroad, there is no need for the petitioner to obtain a similar relief in the other cases. The petitioner can travel abroad for medical treatment on the strength this order.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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 Court to Deal with the Cases of Offences in contravention of the Provisions of the Mines and Minerals (D & R) Act, 1957, Madurai.
- 2.The Inspector of Police Cum Investigation Officer, Illicit Granite Quarry Cases, Melur Circle, Madurai District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Crl.O.P (MD)No.2199 of 2022
03.02.2022

KSS(CO)

<https://hccs.court.gov.in/cases> 4C