



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.19673 of 2021

J.Chandralekha

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner,
Madurai.

2.The Inspector of Police,
Tallakulam All Women Police Station,
Tallakulam, Madurai.

3.Rajasekar

4.Sankareshwari

5.Jeyakumar Devaraj

6.The Regional Passport Officer,
Madurai.

... Respondents

[R5 and R6 are suo-motu impleaded vide order
dated 21.01.2021 in Crl.O.P. (MD) No.19673 of 2021]

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to make recommendations for giving lookout notice to the first respondent to pass appropriate order for sanctioning the same to ascertain the whereabouts of the husband of the petitioner and to bring him to India to execute the Non-Bailable Warrant pending as against the husband of the petitioner, namely, one Jeyakumar who is Accused No.1 in C.C.No.338/2019 on the file of the Additional Mahila Court (JM Level), Madurai who at present said to be working at "The Kingdom of South Arabia" whose passport No is Z2075193.

For Petitioner : Mr.R.Baby Jaganath
For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

For R6 : Mrs.L.Victoria Gowri
Assistant Solicitor General



O R D E R

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. side) appearing for the first and second respondents and the learned Assistant Solicitor General appearing for the sixth respondent.

2.The petitioner is the de-facto complainant in C.C.No.338 of 2019 on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Madurai. The fifth respondent is the prime accused in the said case. It is a matrimonial case.

3.The specific allegation of the petitioner is that eventhough Non-Bailable Warrant has been issued against the fifth respondent, he has managed to abscond and as a result, the case has not progressed.

4.Therefore, this Court suo-motu impleaded the Regional Passport Officer, Madurai as the sixth respondent in this petition.

5.The learned Assistant Solicitor General appearing for the sixth respondent submitted that the fifth respondent, Jeyakumar Devaraj managed to obtain renewal of the passport from the Indian Embassy at Riyadh. According to her, the fifth respondent suppressed the pendency of the criminal case.

6.Now the sixth respondent has initiated steps to impound the passport of the fifth respondent. The sixth respondent is directed to take expeditious steps to impound the passport of the fifth respondent. The fifth respondent will have to necessarily appear before the trial Court and seek leave regarding his right to travel abroad. If such a request is made by the fifth respondent, the Court below can consider the same by ensuring that the subject prosecution in C.C.No.338 of 2019 is not affected in any manner. The learned Trial Magistrate is directed to take appropriate steps in this regard. The second respondent cannot wash away their responsibility. There has to be co-ordination between the trial Court, the second respondent and the sixth respondent and appropriate steps will be taken in accordance with law to ensure that the fifth respondent is brought to India to face the trial. This exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

7.The Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (As)

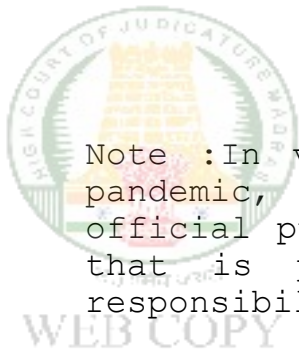
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/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Judge,
Additional Mahila Court (JM Level), Madurai.
- 2.The Commissioner of Police,
Office of the Commissioner,
Madurai.
- 3.The Inspector of Police,
Tallakulam All Women Police Station,
Tallakulam, Madurai.
- 4.The Regional Passport Officer,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.19673 of 2021
03.02.2022

MGJ(16.02.2022) 3P 6C