



Crl.O.P.(MD) No.21061 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.21061 of 2022

and

Crl.M.P(MD) No.14754 of 2022

Ramkumar

...Petitioner

VS

**The Sub Inspector of Police
All Women Police Station,
Karaikudi, Sivagangai District**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the order dated 23.11.2022 passed in Crl.M.P No.3996 of 2022 on the file of the learned Judicial Magistrate, Karaikudi and set aside the same as illegal in so far as directing the Petitioner to produce his original passport on 28.11.2022.

For Petitioner : Mr.R.Ganshi

**For Respondent :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor**



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ORDER

This Criminal Original Petition had been filed to call for the records relating to the order dated 23.11.2022 passed in Crl.M.P No.3996 of 2022 on the file of the learned Judicial Magistrate, Karaikudi and set aside the same as illegal insofar as directing the Petitioner to produce his original passport on 28.11.2022.

2. The learned Counsel for the Petitioner would submit that this petition has been filed on behalf of the accused regarding condition imposed by the learned Judicial Magistrate, Karaikudi in Crime No. 24 of 2022 when the accused sought bail. In the course of furnishing sureties, the learned Counsel for the defacto Complainant objected stating that the Court has to impose certain conditions and thereby the likelihood of the Petitioner escaping from the Country has to be avoided. In the light of the apprehension expressed by the learned Counsel for the defacto Complainant, the learned Judicial Magistrate, Karaikudi had imposed condition whereby directed the Petitioner to surrender his passport.



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Accordingly, the Petitioner had surrendered his passport. The learned Counsel for the Petitioner would submit that as per the ruling of the Hon'ble Supreme Court in the case of ***Suresh Nanda .vs. Central Bureau of Investigation*** reported in **(2008)3 SCC 674**, passport cannot be impounded by any Court of law. Therefore, he seeks to set aside the order passed by the learned Judicial Magistrate, Karaikudi.

3. The learned Additional Public Prosecutor would submit that there are two accused in this case. The learned Magistrate had not remanded the accused as per the reported ruling of the Honourable Supreme Court of India in ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***. Thereafter, the Petitioner had surrendered before the Court concerned who had granted bail with conditions.

4. Taking into consideration the submission of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor and in the light of the ruling stated by the learned Counsel for the Petitioner, any Court of law does not have power to impound the passport. It is the discretion of the passport authorities. If at all the learned Magistrate intends



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to restrict the movements of the Petitioner from India to any other Country, he has to address the authorities concerned under the Passport Act. Even if the apprehension expressed by the learned Counsel for the defacto Complainant is granted, the accused can be secured through the Indian Mission abroad throughout the world. Passport verification is to be done by the police officials. Therefore, they are well within their right to execute appropriate orders on the basis of the order passed by the learned Judicial Magistrate or Sessions Judge to issue Look Out Notice also for securing the accused through the Indian Mission abroad.

5. Under these circumstances, the learned Judicial Magistrate, Karaikudi is directed to pass appropriate alternate orders in spite of directing the Petitioner to surrender his passport till the trial is concluded. The Petitioner is directed to co-operate with the trial if at all the matter ends up in laying charge sheet.



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6. With the above direction, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

28.11.2022

Internet: Yes./No

Index: Yes/no

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Note: Issue order copy on 28.11.2022

To

1. The Judicial Magistrate, Karaikudi
2. The Sub Inspector of Police
All Women Police Station,
Karaikudi, Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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