



WEB COPY



Crl.R.C.No.520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.R.C.No.520 of 2023

Martin

... Petitioner

Vs.

State by the Inspector of Police,
Karumathampatty Police Station,
Coimbatore.

[Crime No.79/2012]

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of Criminal Procedure Code, 1973 to call for records in C.C.No.10 of 2023 on the file of the learned Judicial Magistrate, Sulur, Coimbatore and set aside the Order passed in Crl.M.P.No.689 of 2023 dated 27.02.2023.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.A.S.Aswin Prasanna

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



WEB COPY



Crl.R.C.No.520 of 2023

ORDER

This Criminal Revision Petition has been filed to call for records in C.C.No.10 of 2023 on the file of the learned Judicial Magistrate, Sulur, Coimbatore and set aside the Order passed in Crl.M.P.No.689 of 2023 dated 27.02.2023.

2. When the matter is taken up today, though the petitioner sought two prayers in this revision, one for renewal of his passport for five years and another seeking permission to travel abroad, now restricted his prayer only for renewing his passport. The learned Senior Counsel appearing for the petitioner, further contended that pending of a criminal case is not a bar for renewing the passport, the petitioner is already having. Hence, seeks permission to renew his passport and not pressed the prayer seeking permission to travel abroad.



Crl.R.C.No.520 of 2023

WEB COPY

3. The learned Government Advocate [Criminal Side], had no objection for renewing the passport and only objected for granting permission to travel abroad on the ground that the criminal case is pending and this Court has already directed the trial Court to dispose of the case within a limited period.

4. Heard the learned Senior Counsel appearing for the petitioner through video conferencing and the learned Government Advocate [Criminal Side] appearing for the respondent.

5. On a perusal of the records, the fact reveals that the respondent police has prosecuted the petitioner along with the other accused in Crime No.79 of 2012 for having committed the offences punishable under sections 294[b], 341, 506[ii] read with 120 [B] of IPC and the case has been taken on file in C.C.No.10 of 2023 [Old C.C.N.611 of 2013]. When the above case is pending before the trial Court, the petitioner filed a petition in Crl.M.P.No.689 of 2023 seeking permission to renew the passport for five



Crl.R.C.No.520 of 2023

years and to travel abroad. The learned Magistrate, after considering the arguments of the petitioner and the prosecution, dismissed the petition by passing the impugned Order citing the reason that a criminal case is pending with a direction of this Court to dispose the case within a time frame. Now the petitioner has restricted his claim for renewal of his passport and not pressed his prayer seeking permission to travel abroad.

6. Considering the submissions of the learned counsel for the petitioner and the learned Government Advocate [Criminal Side] and that pendency of a criminal case is not a bar for renewing the passport, this Criminal Revision is allowed with regard to renewal of the passport and the petitioner is permitted to renew his existing passport and in this regard, the impugned Order is hereby set aside. Since the learned counsel for the petitioner has not pressed the prayer with regard to seeking permission to travel abroad, this revision is dismissed with regard to travel abroad.



Crl.R.C.No.520 of 2023

WEB COPY

7. With the above observations, the Criminal Revision Case is disposed of.

21.04.2023

Index: Yes/No

Internet: Yes/No

vrc

To

1.The learned Judicial Magistrate, Sulur, Coimbatore

2.The Inspector of Police,
Karumathampatty Police Station,
Coimbatore. [Crime No.79/2012]

3. The Public Prosecutor, Madras High Court.



WEB COPY



CrI.R.C.No.520 of 2023

V.SIVAGNANAM, J.,

VTC

CrI.RC No.520 of 2023

21.04.2023