



Crl.R.C.No.1182 of 2023

V. SIVAGNANAM, J.

WEB COPY Today, the matter is posted under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner, who submitted that this Court, by order dated 30.06.2023, in Crl.R.C.No.1182 of 2023, ordered returning of his passport on one of the conditions that the petitioner shall file an affidavit of undertaking before the trial court that he will not leave India without the permission of the trial court. He further submitted that due to inadvertence, in Para 7 in condition No.[ii], it has been mentioned *that the petitioner shall execute affidavit of undertaking before the trial court that he will not leave India without the permission of the trial court*. The case is still under investigation and it was not taken before the trial court. Therefore, instead of 'trial court', the petitioner may be directed to file his affidavit of undertaking before the *learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai*. Stating so, he prayed for rectification of the above said mistake crept in, in the order dated 30.06.2023 passed in Crl.R.C.No.1182 of 2023.

2. Considering the submissions of the learned counsel for the petitioner, in the order passed in Crl.R.C.No.1182 of 2023, dated 30.06.2023, in



WEB COPY



Crl.R.C.No.1182/20--

V. SIVAGNANAM, J.

msr

paragraph 7, condition (ii) shall be replaced with the following terms;

'(ii) the petitioner shall file an affidavit of undertaking before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai that he will not leave India without the permission of the abovesaid Court.'

3. The Registry is directed to carry out necessary corrections as stated above in the order dated 30.06.2023 in Crl.R.C.No.1182 of 2023 and issue fresh order copy.

4. In other aspects, the earlier order shall stand unaltered.

14.08.2023

msr

Note: Issue copy on 16.08.2023

Crl.R.C.No.1182 of 2023



Crl.R.C.No.1182/2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 30.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.RC.No.1182 of 2023

Melvyn Raj

.. Petitioner

Vs.

The State, represented by
the Inspector of Police
W-3, AWPS,
Chintadiripet,
Chennai.

..Respondent

Prayer: Criminal Revision Case filed under Sections 397 of Cr.P.C. to set aside the order of dismissal passed by the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai in Crl.M.P.No.643 of 2023, dated 22.06.2023 and to return the passport seized by the respondent in Cr.No.1 of 2022.

For Petitioner

: Mr.R.C. Paul Kanagaraj

For Respondent

: Mr. R.Vinoth Raja

Govt. Advocate

(crl.side)

ORDER



WEB COPY

This Criminal Revision Case is filed to set aside the order passed in Crl.M.P.No.643 of 2023 by the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, dated 22.06.2023.

2. The learned counsel for the petitioner submitted that the respondent police registered a case against the petitioner in Cr.No.1 of 2022 for the offences alleged under sections 376, 354 D, 420, 506(ii) and 509 IPC, in pursuance of the complaint lodged by the defacto complainant alleging that the petitioner, under false promise that he would marry her, had sexual relationship with her several times and thereafter, refused to marry her and also threatened her saying that photos will be uploaded in the social media.

3. He further submitted that the petitioner is working as an Architect in BAFCO Trading LLC at UAE during the period May 2022 and on the basis of the complaint lodged by the defacto complainant on 15.05.2022, look-out circular was issued against him. When the petitioner returned back to India, on execution of look out circular, he was arrested and his passport was seized by the respondent police. He further contended that since the passport was seized by the respondent police, he was not able to go abroad and join his job. The petitioner is ready to face the trial and ready to give an



undertaking to cooperate for trial. Thus, he seeks to allow the criminal revision and a direction to return his passport seized from him.

4. The learned Govt. Advocate (crl.side) submitted that the investigation in this case is almost completed and charge sheet is yet to be filed.

5. Perusal of records would reveal that the petitioner was prosecuted by the respondent police in Cr.No.1 of 2022 for having committed the offences alleged under sections 376, 354D, 420, 506(i) and 509 IPC. Pursuant to which, look-out circular was issued as against the petitioner who was working at abroad and the same was pending. While he returned to India, on execution of look-out circular issued against the petitioner, he was arrested on 24,03,2023. At the time of arrest, the respondent police seized his passport bearing No.T9851122 and the same was produced before the trial court. Thereafter, he was enlarged on bail by this Court. According to the petitioner, since the passport was seized, the petitioner was not able to return to his job and now the petitioner is issued with a letter from his employer insisting him to join duty on or before 30.06.2023 and he is ready to cooperate for trial. Further it is noted that in this case, LOC was opened on 29.06.2022 and the same is still pending. In such circumstances, this



court is of the view that returning of passport to the petitioner will not affect the trial and there is no valid reason for retaining the passport by the court below.

6. Considering the above aspect and the submission of the petitioner that he is ready to face trial and ready to give an undertaking to cooperate for trial and taking note of the other facts and circumstances of the case, this court is inclined to return the passport to the petitioner on certain conditions.

7. Accordingly, the passport of the petitioner bearing No.T9851122 is ordered to be returned to the petitioner on the following conditions;

(i) The petitioner shall execute an own bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) to the satisfaction of the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai ;

(ii) the petitioner shall file an affidavit of undertaking before the trial court that he will not leave India without the permission of the trial Court.

8. In the result, the Criminal Revision is allowed on the above terms by setting aside the order passed by the learned Metropolitan Magistrate,



Crl.R.C.No.1182/20--

Additional Mahila Court, Egmore, Chennai in Crl.M.P.No.643 of 2023,
dated 22.06.2023.

WEB COPY

30.06.2023

msr

Index:yes/no

Internet:yes/no

To

1. The Metropolitan Magistrate,
Additional Mahila Court, Egmore,
Chennai
2. The Inspector of Police
W-3, AWPS,
Chintadiripet,
Chennai.
3. The Public Prosecutor,
High Court, Madras



WEB COPY



Crl.R.C.No.1182/20--

V. SIVAGNANAM, J.

msr

CRL.RC.No.1182 of 2023

30.06.2023