



Crl.R.C.No.1431 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

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THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.1431 of 2023

Jaikumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
P-5, MKB Nagar Police Station,
Puliyanthope, Chennai.
(Crime No.1001/2017)

... Respondent

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code to set aside the orders dated 17.07.2023 in Crl.M.P.No.25282/2023 on the file of the X Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.P.Vishnu

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenge in this revision is made to the orders dated 17.07.2023 in Crl.M.P.No.25282/2023 on the file of the X Metropolitan Magistrate, Egmore, Chennai.

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2.The revision petitioner is the first accused in Crime No.1001/2017 of P-5, MKB Nagar Police Station, Puliyanthope, Chennai, for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) IPC. The Inspector of Police, after completing investigation, filed a final report before the learned X Metropolitan Magistrate, Egmore, Chennai in C.C.No.9306/2019 against three accused including the present revision petitioner for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) IPC and the same is pending for trial. The revision petitioner filed Crl.M.P.No.25282/2023 praying for a direction to the respondent police to issue a 'no objection certificate' for getting a passport. According to him, the respondent police is refusing to issue the said certificate since a criminal case is pending against him. The further contention of the petitioner is that he had completed his Bachelor's Degree in Computer Application from Veltech Arts & Science College, Chennai in the year 2015 and he is presently working as an Assistant Cameraman in cine field. It is also his contention is that he has to travel abroad for shooting a film and unless a passport is issued to him, he cannot pursue his career as a cameraman. Therefore, he prayed for



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issuance of 'no objection certificate' by the respondent police to the Regional Passport Officer. The learned X Metropolitan Magistrate, Egmore, Chennai dismissed the said petition on the ground that there is no immediate essential urgency for the petitioner to travel abroad and that he has not also stated in his affidavit as to when he is leaving India and when he would be coming back. It is further observed that the petitioner cannot be permitted to go abroad for the purpose of film shoot especially when a criminal case is pending against him. Aggrieved over the orders, the present revision is filed.

3. Mr.P.Vishnu, learned counsel for the revision petitioner contended that the trial court, merely because of pendency of the criminal case against the revision petitioner had dismissed the petition. It is his further submission that the revision petitioner had filed an undertaking that he would cooperate with the court for disposal of C.C.No.9306/2019. In the affidavit, the revision petitioner had stated thus :



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"4.I state that I have been working as an assistant to the cameraman and I used to travel inside India for shooting cine films and from which I used to get very meagre amount from the above job. I state that due to corona pandemic and unprecedented global crisis, persons reliant on cine industries for their growth are experiencing particularly large disruptions. However, in order to overcome our family financial crisis occurred during this pandemic I planned to travel abroad to participate in many high budget cine films to compensate or to repay the borrowed amounts. Fortunately, I got an opportunity to work as an assistant cameraman in a Web Series based on Life History of Mahatma Gandhiji and the shoot for the above Web Series to be held in South Africa next month.

5. It is thus contended that for the said purpose, I would have to travel to South Africa at any time during October 2023 and I will return forthwith once shoot got completed and for the same, permission is required.

6. I further state that I undertake to inform the respondents police and also the trial court about the travel itinerary of mine and the whereabouts of the place of stay once I got ascertained and I also provide my contact number and the copy of Visa forthwith once I received.

7.It is further submitted that once the permission to



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travel abroad was granted, I will not flee from the country and I will return back once my shoot got over from the inception of travel and I will co-operate with the pending trial in C.C.No.9306 of 2019 before Xth Metropolitan Magistrate, Egmore, Chennai."

4. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) contended that the police had refused to issue a certificate of no objection to the Regional Passport Officer only on the ground that the criminal case in C.C.No.9306/2019 is pending against him. According to him, no other cases is pending against the present revision petitioner/accused. Therefore, he did not raise any serious objection.

5. It is seen from the records that the respondent police did not send a certificate of no objection to the Regional Passport Officer for issuance of passport to the present revision petitioner only on the ground that the criminal case in C.C.No.9306/2019 is pending before the learned X Metropolitan Magistrate, Egmore, Chennai against him. The offences against the present revision petitioner are under Sections 341,



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294(b), 323, 324, 506(ii) IPC and it is also seen that the present revision petitioner had also lodged a complaint against the defacto complainant (since deceased) in C.C.No.9307/2019 and both the cases are pending. It is further seen that the revision petitioner had completed his Bachelor's Degree in Computer Application from Veltech Arts & Science College, Chennai in the year 2015 and now he is a member in 'Thenninthyia Venthirai Saga Nadigar Sangam (Affiliated with FEFSI), Vadapalani, Chennai. According to him, he is an Assistant Cameraman in cine field. He has also given an undertaking that he would cooperate with the Court for disposal of C.C.No.9306/2019.

6. Considering the facts and circumstances of the present case, the Inspector of Police, P-5, MKB Nagar Police Station, Puliyanthope, Chennai, is directed to issue 'No Objection Certificate' to the Regional Passport Authority for issuing passport to the revision petitioner after conducting proper enquiry. Only if no other criminal case is pending against the present revision petitioner except C.C.No.9306/2019, such a certificate can be issued by the police.



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7. In the result, this Criminal Revision Case is disposed of.

19.09.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

1.State rep. by
The Inspector of Police,
P-5, MKB Nagar Police Station,
Puliyanthope, Chennai.

2.The X Metropolitan Magistrate, Egmore, Chennai.



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R. HEMALATHA, J.
mtl

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