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Crl.O.P.No.21789 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.21789 of 2023

V.Sathiamoorthy

... Petitioner

-VS-

The Inspector of Police,
W-23 All Women Police Station,
Royapettah, Chennai.
Crime No.1 of 2014

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crl.M.P. No.14253 of 2023 dated 12.09.2023 on the file of the learned XVIII Metropolitan Magistrate, Saidapet and set aside the same, thereby permitting for renewal of the passport of the petitioner bearing No.W6700993 and further to permit the petitioner travel to US from his employment purpose.

For Petitioner : Mr.R.Ganeshkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the first accused in a case pending before the learned XVIII Metropolitan Magistrate, Saidapet in C.C. No.2165 of 2015.

The case is pending for eight years, the petitioner is in USA carrying on his



avocation. Accused Nos.3 to 11 had approached the Hon'ble Supreme Court and obtained stay of further proceedings in the quash petition.

2. The petitioner has approached this Court to quash the case against him and obtained an order dispensing his personal appearance, it is now reported that the said quash petition is dismissed. Meanwhile, the passport of the petitioner is to be expired on 29.11.2023, therefore, he has approached the trial Court for issuance of NOC to renew the passport, the same was dismissed by the trial Court stating reasons and the said order has now been challenged before this Court.

3. On reading the impugned order, this Court finds no legal infirmity and factual infirmity. This case having been drags for more than 8 years, this Court earlier permitted the renewal of the passport which is thought fit. Henceforth, renewal of passport need not be granted unless the petitioner appears before the Court and cooperate with the trial.

4. Learned counsel for the petitioner submitted that in view of the stay granted by the Hon'ble Supreme Court in a connected quash petition filed by the other accused, it is not possible for the near future, to proceed with the trial and the petitioner who is presently employed in United States of America is ready to appear before the trial Court as and when required.



5. This Court is of the view that the petitioner shall come down to India and appear before the learned Magistrate and give an undertaking in writing that he will appear before the Court on hearings whenever his physical presence is required. If such undertaking is given, the learned XVIII Metropolitan Magistrate, Saidapet shall issue NOC for renewal of passport for a period of one year. So that, the presence of the accused can be ensured, even if he fails to respond to the summons for appearance. The learned XVIII Metropolitan Magistrate, Saidapet shall dispose of his Application for renewal of passport on the same day of his appearance and filing of undertaking affidavit.

6. With this observations, this Criminal Original Petition is disposed of.

23.11.2023

Internet : Yes/No

Index : Yes/No

rkp

Note: Issue order copy today (23.11.2023)

To

- 1.The XVIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
W-23 All Women Police Station,
Royapettah, Chennai.
- 3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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