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CRL MP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of March Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.4309 of 2023

in

CRL A(MD) No.389 of 2016

R.GEETHA

... PETITIONER/1ST APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
ACB, CBI,
CHENNAI.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to permit the petitioner to travel to Germany and stay there for six months to attend the daughter of the petitioner who is under pregnancy and expected to second deliver a child in the month of September, 2023 and her absence for the period may kindly be condoned.

PRAYER IN CRL A(MD).389/2016 :

To set aside the conviction and sentence imposed on the Appellant by the Judgment dated 07.10.2016 in C.C.No.4 of 2008 on the file of the II Additional District Judge for CBI Cases, Madurai and allow the appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ARAVINDHAN R, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking permission of this Court to travel to Germany and stay there for six months to attend the daughter of the petitioner, who is under pregnancy and expected to deliver a second child in the month of September 2023.

2. The learned counsel appearing for the petitioner would submit that the petitioner has earlier filed a similar petition in Crl.M.P.(MD).No.6441 of 2020, seeking permission to travel to Germany and stay there for six months to attend her daughter's first delivery. This Court, vide order dated 03.12.2020, granted permission for four months.

3. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner may be granted three



months time and that the counsel on record has to proceed in the case, in case of listing of the appeal.

4. The learned counsel appearing for the petitioner would submit that in case of listing the appeal, he is ready to proceed with the appeal and the petitioner may be permitted to leave the country one month prior to the expected delivery and three months thereafter.

5. Considering the facts and circumstances of the case and also taking note of the earlier order of this Court, this Court is inclined to grant permission to the petitioner. Accordingly, the petitioner is permitted to leave the country one month prior to the expected delivery i.e., in the month of August 2023 and to return in the month of November 2023.

6. The petitioner after landing in Germany shall immediately contact Indian Embassy and appear before them once in two weeks during this period of four months. It is made clear that the petitioner shall not apply for extension of time. The petitioner gives an undertaking that she will return to India on expiry of the period of four months.

7. Subject to these conditions, this Criminal Miscellaneous Petition is allowed.

sd/-

15/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

akv

TO

1 THE II ADDITIONAL DISTRICT JUDGE FOR CBI CASES, MADURAI.

2 THE INSPECTOR OF POLICE, ACB, CBI, CHENNAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1 THE OFFICER INCHARGE, MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA, SOUTH BLOCK, SECRETARIAT BUILDING,
RAISINA HILL, NEW DELHI.



CRL MP(MD)



23

2 THE OFFICER INCHARGE, EMBASSY OF INDIA,
TIERGARTENSTRABE 17, 10785 BERLIN, GERMANY.
CONTACT NO.+49-30-5795-0

+1 CC to M/s.ARAVINDHAN R, Advocate (SR-4450[I] dated 17/03/2023)

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ORDER IN
CRL MP(MD) No.4309 of 2023
in
CRL A(MD) No.389 of 2016
Date :15/03/2023

RS/MMS/SAR-2 (28.03.2023) 3P 7C