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Crl.R.C.(MD)No.25 of 2019



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 07.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.25 of 2019

Chandravathanan

... Petitioner/Petitioner/Accused

vs.

State Rep. by
The Inspector of Police,
Airport Police Station,
Tiruchirappalli,
Tiruchirappalli District.
Crime No.244 of 2018

... Respondent/Complainant

PRAYER : This Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Cr.M.P.No.5069 of 2018 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, Tiruchirappalli District and set aside the order dated 01.12.2018 and hand over the custody of the Passport viz, Indian Passport No.L4138413 issued on 30.08.2018 by the Regional Passport Office, Madurai which has been seized by the respondent herein in Crime No.244 of 2018 to the petitioner herein.

For Petitioner : Mr.K.Veilmuthu

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)



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ORDER

This Criminal Revision Petition has been filed as against the order passed in Cr.M.P.No.5069 of 2018 by the learned Judicial Magistrate No.VI, Tiruchirappalli, Tiruchirappalli District, dated 01.12.2018 and thereby, dismissed the petition for returning the passport in Indian Passport No.L4138413 to the petitioner.

2.The petitioner is an accused in Crime No.244 of 2018. The First Information Report has been registered for the offences punishable under Sections 467, 468 and 471 of IPC r/w Section 12(1)(b) of Passport Act, 1967 and Section 14 of Foreigners Act, 1946 alleging that the petitioner has fraudulently obtained passport by producing fabricated documents. Therefore, the crime itself in pursuant to obtaining passport by producing fabrication of documents or falsifications of documents. That apart, the investigation is still pending, since the petitioner is absconded and he is not at all available in the address mentioned by the petitioner. Therefore, the investigation is still pending and as such while pending investigation, the petitioner is not entitled for passport and the Court below has rightly dismissed the same. Therefore, this Court finds no infirmity or illegality



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in the order passed by the Court below. Hence, the Criminal Revision is dismissed.

07.06.2023

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NCC : Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Judicial Magistrate No.VI,
Tiruchirappalli, Tiruchirappalli District.
- 2.The Inspector of Police,
Airport Police Station,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN , J.

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