



Crl.R.C.(MD) No.510 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.510 of 2023

Samuel George

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the judgment dated 20.04.2023 passed in Crl.M.P.No.3318 of 2023 in S.T.C.No.1575 of 2022 on the file of the Judicial Magistrate No.I, Kuzhithurai.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.R.Sivakumar
Government Advocate (Crl. side).



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ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.3318 of 2023 in S.T.C.No.1575 of 2022, dated 20.04.2023, dismissing the petition filed under Section 451 Cr.P.C.

2. The petitioner / sole accused is facing the case in S.T.C.No.1575 of 2022 for the offences under Sections 294(b) and 352 I.P.C., on the file of the Judicial Magistrate Court No.I, Kuzhithurai. Pending the above case, the petitioner has filed an application under Section 451 Cr.P.C., seeking orders for return of his passport. The respondent has filed a counter statement stating that they have not seized the passport and that they have not produced the same before the concerned Court.

3. The learned Judicial Magistrate, after enquiry, has passed the impugned order dismissing the petition, by observing that the passport in dispute was neither seized by the police nor produced before the concerned Court and even according to the petitioner, the same was handed over to the Regional Passport Office.



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4. The learned Counsel for the petitioner has relied on the Notification issued by the Ministry of External Affairs, dated 25.08.1993, wherein the Central Government exempts the citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the Passports Act. He would submit that in pursuance of the said notification, the concerned Court may be directed to give permission for the petitioner to get the passport.

5. Admittedly, the petitioner has sought for the return of passport from the custody of the concerned Court. Since the respondent has not seized the passport from the petitioner and the same was not produced before the concerned Court, the impugned order of the learned Judicial Magistrate in dismissing the petition cannot be found fault with. Hence, this Court concludes that the Criminal Revision Case is devoid of merits and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. However, the petitioner is



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at liberty to file an application seeking permission from the concerned Court, if he is so advised.

06.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

SSL

To

1. The Judicial Magistrate No.I, Kuzhithurai.
2. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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