



CRL MP(MD). No.12650 of 2023

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

WEB COPY

Date : 07/09/2023

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD). No.12650 of 2023
in
CRL OP(MD).No.5249 of 2018

Peter Van Geit (Belgian),
(Belgian Passport No.En424526)

... Petitioner/Petitioner

Vs

The State rep by
The Inspector of Police,
Kurungani Police Station,
Theni District.
(Crime No.18 of 2018).

... Respondent / Complainant

For Petitioner : M/s.Karunanithi.M, Advocate.

For Respondent : A.Albert James,
Government Advocate (Crl.Side)

PRAYER :-

To modify the order in Crl.O.P.(MD). No.5249 of 2018, dated 12.04.2018, on the file of this Court, that the petitioner is directed to surrender his passport with the Belgium Embassy, and consequently direct the Belgium Embassy to hand over the passport to the petitioner.

ORDER : The Court Made the following order :-

<https://www.mhc.tn.gov.in/judis>



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The petitioner is figuring as an accused in S.C.No.70 of 2019 on the file of the Additional District and Sessions Court, Theni. The next hearing date is posted to 21.09.2023. The petitioner was granted anticipatory bail by me in CRL.O.P.(MD) No.5249 of 2018 on 12.04.2018. The condition was imposed that he should surrender his passport. The petitioner had also complied with the said condition. The petitioner now wants this Court that his aged mother is seriously ill. The petitioner therefore wants the passport back so that he can travel to Belgium to attend on his mother.

2. This Court wanted to know, if there is any Treaty of Extradition between India and Belgium. The learned counsel appearing for the petitioner informs the Court that the said Treaty is very much in existence and that therefore, the process of this Court can very well be enforced against the petitioner.

3. Considering the special facts and circumstances of this case, the following directions are issued:-

a) The petitioner shall file a petition under Section 205 of Cr.P.C. before the trial Court. Even though such provision talks only about the Magistrate Courts, the learned Sessions Judge can also very well exercise such power under such provision. The petitioner shall file special Vakalath and name the person who will represent him in the trial during his absence. The learned trial Judge is directed to entertain



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the petition to be filed by the petitioner and allow the same. This direction is given to ensure that the trial is not affected on account of the petitioner's absence. The petitioner will not dispute the identity of witnesses. In other words, the petitioner shall file an affidavit in this regard.

b) Once such an application is filed, the same will be taken on file immediately and also allowed. Once the petition filed under Section 205 of Cr.P.C. is allowed, the petitioner's passport will be returned to the petitioner. The petitioner is permitted to return to Belgium. However, he shall return to India within a period of two months.

4. The petitioner gives an undertaking through his counsel before this Court that he would return to India within a period of two months. The order passed by this Court will be communicated by the respondent to Belgium Embassy. This Criminal Miscellaneous petition is disposed of accordingly.

sd/-
07/09/2023

/ TRUE COPY /

11/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PMU

To

1.The District Munsif cum Judicial Magistrate,
Bodinayakkanur, Theni District.

<https://www.mhc.thn.gov.in/judis>



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2. Do through the Chief Judicial Magistrate,
Theni District.

3. The Inspector of Police,
Kurangani Police Station,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KARUNANIDHI, Advocate (SR-13384[I] dated 08/09/2023)

ORDER
IN
CRL MP(MD) No.12650 of 2023
IN
CRL OP(MD) No.5249 of 2018
Date :07/09/2023

ED/ /SAR- (11/09/2023) 4P / 6C

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