



Crl.RC.(MD).No.999 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.09.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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T.Naveen Kumar

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch, Madurai City.
Crime No.5 of 2022

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.4550 of 2023, dated 18.08.2023, on the file of the learned Judicial Magistrate No-I, Madurai District and set aside the same. Further to pass an order to return the passport No.N2751919 to the petitioner by allowing the revision.

For Petitioner : Mr.Aayiram K.Selvakumar

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



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ORDER

This Criminal Revision Case has been filed against the order passed in Cr.M.P.No.4550 of 2023, dated 18.08.2023, on the file of the learned Judicial Magistrate No-I, Madurai District.

2. The petitioner is the accused in Crime No.5 of 2022. According to the petitioner, before registration of case, he was working abroad. After initiation of the criminal proceeding in Crime No.5 of 2022, the petitioner was arrested along with his passport and the same was produced before the trial Court. In the said circumstances, the petitioner filed a petition before the learned Judicial Magistrate No-I, Madurai, in CrI.M.P.No.4550 of 2023 to return his passport, which was dismissed on 18.08.2023. As against the same, the petitioner filed this Criminal Revision Case.

3. The learned counsel for the petitioner submitted that there is an allegation against him and he is ready to face the allegation in trial. As on date, the investigation is not completed and he is working abroad. Because of this intervening circumstances, he is unable to continue his work. Now,



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he is undertaking to appear before the trial Court at the time of trial and he filed an affidavit to that effect. The relevant portion of his affidavit is as follows:

3. I submit that my passport N2751919 currently is in judicial custody. Since I was engaged already as Bio Medical Engineer with his hospital in Jeddah, Saudi, all his educational documents are with hospital management now. Moreover I am in a financial crisis as I spent huge amount for my visa, my father's medical expenses and family debts. I am relieving from the financial crisis gradually from my abroad job income. So, I am in a position to continue the job in abroad for which the passport is necessary.

4.I humbly submit that I strongly undertake that I would appeal before the concern trial Court as soon as receiving the summons through my wife who is residing in the permanent address.

5. I humbly submit that, my wife namely Murugeshwari D/o.Palavesam is residing at No.



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5/34, North Madaveethi fourth Street, Padi, Tiruvallur District. After filing the charge sheet in the above said case, the summon or the appearance before the trial Court may be served to the above said address. On receipt of the summons I would be intimated by my wife immediately. I undertake to appeal before the concern trial court on the hearing date without fail.

4. In view of the undertaking affidavit filed by the petitioner, this Court is inclined to allow this criminal revision case with the following conditions:

(i) The petitioner is directed to file an affidavit before the trial Court to the effect that he shall appear before the trial Court at the time of hearing;

(ii) In any event, the petitioner is failed to appear before the trial Court, the learned trial judge shall continue the trial proceedings under Section 299 of Cr.P.C., without his appearance and on the basis of evidence, the trial Court can pass order either conviction or acquittal; and



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(iii) The petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai.

5. Accordingly, this Criminal Revision Case stands allowed.

21.09.2023

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



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To
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- 1.The Inspector of Police,
Central Crime Branch, Madurai City.
- 2.The Judicial Magistrate No-I,
Madurai.
- 3.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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