



WEB COPY



CrI.O.P.No.6427 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6427 of 2024

A.Subukhan

.. Petitioner

Vs.

1. The State

Rep. By its Senior Intelligence Officer,
No.24, Gopalakrishna Iyer Road,
T.Nagar, Chennai 600 017

2. The Regional Passport Officer,

Royal Towers,
No.2,3 and 4 Floors
Old No.785, New No.158, Annasalai,
Chennai 600 002

..Respondents

PRAYER : The Criminal Original Petition filed under Section 482 of Cr.P.C. To modify the condition dated 29.02.2024 passed in CrI MP No.23 of 2024 in R.R.No.146 of 2010 on the file of the Court of the II Additional Chief Metropolitan Magistrate (EOI) Court, Egmore, Chennai and extend



Crl.O.P.No.6427 of 2024

the time fixed for returning India from 01.06.2024 to 31.07.2024 and the time for surrendering the passport by 31.07.2024.

For Petitioners : Mr.Abhinav

For Respondent No.1 : Mr.N.P.Kumar
Special Public Prosecutor for R1
Mr.M.Sathyan
ACGSC for R2

ORDER

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Court below while passing orders in Crl MP No.23 of 2024 dated 29.02.2024.

2. Heard Mr.Abhinav, learned counsel for the petitioner and Mr.N.P.Kumar, learned Special Public Prosecutor for 1st respondent and Mr.M.Sathyan, learned ACGSC for 2nd respondent.

3. The petitioner is shown as an accused in RR No.46 of 2010. The petitioner filed an application before the Court below seeking for return of passport in order to enable the petitioner to undertake the Haj



Crl.O.P.No.6427 of 2024

Pilgrimage. The Court below had allowed the application and permitted the petitioner to undertake the pilgrimage from 01.03.2024 and directed the petitioner to return back to India on or before 31.05.2024. On returning back to India, the petitioner was further directed to surrender the passport before the Court below on or before 07.06.2024.

4. The present modification petition has been filed before this Court on the ground that the new Crescent moon will be sighted only on the 8th of June 2024 and it will continue till 19th of June 2024. Therefore, according to the petitioner, if he has to return back to India on 31.05.2024, the entire purpose of going for Haj Pilgrimage will be defeated.

5. Taking into consideration the facts and circumstances of the case and after hearing the counsel appearing on either side, the order passed by the Court below is modified to the extent that the petitioner will be permitted to undertake the Haj Pilgrimage from 01.06.2024 to 31.07.2024 and on returning back to India, the petitioner shall surrender the passport before the Court below by 05.08.2024. The order passed by



Crl.O.P.No.6427 of 2024

the Court below is modified to that extent.

WEB COPY

6. This petition is disposed of in the above terms.

Index : Yes/No
Internet : Yes/No
rka

26.03.2024



WEB COPY



Crl.O.P.No.6427 of 2024

N.ANAND VENKATESH, J.

rka

To

1. The State
Rep. By its Senior Intelligence Officer,
No.24, Gopalakrishna Iyer Road,
T.Nagar, Chennai 600 017
2. The Regional Passport Officer,
Royal Towers,
No.2,3 and 4 Floors
Old No.785, New No.158, Annasalai,
Chennai 600 002
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6427 of 2024

26.03.2024