



Crl.R.C.No.711 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.04.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.R.C.No.711 of 2024

David @ Kevin Raj @ John Solomon

...Petitioner

Vs.

The State rep. by  
Inspector of Police,  
EDF-II, Team-III,  
CCB-I, Egmore  
Crime No.78/2022

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to set-aside the order made in Crl.M.P.No.8211 of 2024 in C.C.No.4772 of 2023 in Crime No.78 of 2022 dated 05.03.2024 on the Metropolitan Magistrate for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai and CBCID Metro Egmore Chennai) Chennai.

For Petitioner : Mr.P.Agilan

For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor



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## **ORDER**

This Criminal Original Case has been filed seeking to set aside the order dated 05.03.2024 passed by the Metropolitan Magistrate for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai and CBCID Metro Egmore Chennai) Chennai in Crl.M.P.No.8211 of 2024 in C.C.No.4772 of 2023 in Crime No.78 of 2022.

2. It is the case of the revision petitioner that he is an accused in C.C.No.4772/2023 for the offences punishable under sections 406, 420, 465, 466, 120B, 34 of IPC. During the Course of Investigation, the Law Enforcing Agency had seized the petitioner's Passport and the same was handed over to the trial court. Thereafter, the petitioner filed a petition under section 451 of Criminal Procedure Code seeking return of passport before the Metropolitan Magistrate for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai and CBCID Metro Egmore Chennai) Chennai in Crl.M.P.No.8211 of 2024 which was dismissed on the ground that the granting passport to the petitioner would cause delay in conclusion of



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the trial pending in C.C.No.4772 of 2023. Hence, the present Criminal Revision has been filed by the petitioner.

3. Learned counsel for the petitioner would submit that the petitioner even after making it clear that the passport is very essential for him as it is a valid ID proof and having undertaken to produce the passport as and when it is required by the Trial Court, the Trial Court had erroneously rejected the petitioner's application made under section 451 of Cr.P.C seeking return of passport which is not sustainable. Learned counsel further submitted that the petitioner is ready to abide by any condition which may be imposed by this Court and that he will not use his passport for leaving abroad without the permission of the Court. Accordingly, he prays for allowing the present Criminal Revision.

4. Per Contra, learned Additional Public Prosecutor appearing for the respondent police would submit that the complaint against the petitioner is with regard to misappropriation of money to the tune of Rs.2.8 Crores. The petitioner had cheated the De-facto Complainant Company to the aforesaid



sum. Apart from this, there are two criminal cases pending against the petitioner in C.C.Nos.6023 & 3742/2023 before the trial court. He further submitted that if the passport is given to the petitioner, he will be free to go abroad and since there is no progress in the trial, it would be much difficult for the Law Enforcing Agency to conclude the trial. Accordingly, he prays for dismissal of this Criminal Revision.

5. This Court has considered the submissions of either side. Though it is borne out by record that the petitioner is involved in multiple offences and therefore, apprehension for release of passport is made by the respondent, it is also to be noted that the right of the petitioner to his livelihood cannot be curtailed on mere apprehension. However, without considering all the materials it would not be right for this Court to grant relief one way or the other.

6. In the aforestated scenario, this Court without expressing any opinion on the merits of the case and without interfering with the impugned order, grants liberty to the petitioner to file appropriate application before



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the Trial Court by spelling out the the purpose of travelling to abroad for which requires the passport and the periods during which such trips would be taken and the trial court shall consider the same in the light of the guidelines issued by the Passport Authorities and pass appropriate orders after affording an opportunity of personal hearing to the petitioner.

7. Accordingly, this Criminal Revision Case stands dismissed.

**18.04.2024**

NHS

Index : Yes/No  
Speaking order : Yes/No  
NCC : Yes/No

To

1.The Metropolitan Magistrate  
for Exclusive Trial of CCB cases,  
Chennai.

2.The Inspector of Police,  
EDF-II, Team-III,  
CCB-I, Egmore.

3.The Public Prosecutor,  
High Court of Madras

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**M.DHANDAPANI, J.**

NHS

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