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CrL.OP.No.18709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.18709 of 2024

1. Augustine Maduabuchi
2. Chinedu

... Petitioners

Vs.

1. The State Represented by
The Inspector of Police,
Cyber Crime Cell, Team -D,
Central Crime Branch,
Chennai-7.
(Cr.No.305 of 2023)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to modify the conditional order passed in CrL.M.P.No.22234 of 2024 dated 17.04.2024 passed by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai “ Para 2 clause iv. The petitioners/Accused Nos. 1 and 2 shall stay at Trichy Camp and they shall appear and sign before the officer in charge of the said camp daily at 10.00 a.m until further order from the date of release”.

For Petitioner : Ms.M.Kruthika



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For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

The petitioner herein is the Foreign National and he is before this Court challenging the order passed by the learned Additional Chief Metropolitan Magistrate, Chennai directing him to stay in Trichy Camp as a condition for granting bail contending that confining a foreigner in the designated camp is prerogative of the Government, Court cannot impose the condition restraining the movement of foreigner by compelling him to stay in the special camp which is created pursuant to Section 3(2) (e) of the Foreigners Act, 1946 .

2. The learned Government Advocate (Crl.Side) submits that the learned Metropolitan Magistrate has imposed one of the conditions for granting bail directed the accused/petitioner to stay at Special Camp at Trichy. This Order came to be passed on 17.04.2024. Subsequently, the Government of Tamilnadu had passed GO (1D) No.196 dated 02.05.2024 confining these two petitioners in Special Camp, Trichy. Therefore, the learned Government Advocate submits that even if there is any illegality in the order of Additional Chief Metropolitan Magistrate,



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Chennai by the subsequent G.O, the same has been rectified and therefore this petition is liable to be dismissed.

3. The order of the Government in G.O (1D) 196 dated 02.05.2024 reads as below:

“ In exercise of the powers conferred under Section 3(2)(e) of the Foreigners Act, 1946 (Central Act XXXI of 1946) read with the notification of the Government of India, Ministry of Home Affairs, New Delhi, No.4/3/56(1) F-I, dated 19th April, 1958, for restricting the movement of Mr.Augustine Maduabuchi, S/o.Egwuonwu and Mr.Chinedu, S/o.Onyeaobi, Nigerian Nationals, in the State of Tamilnadu, the Government of Tamilnadu hereby order that they shall reside in the Special Camp identified and located by the District Collector, Tiruchirappalli District till the disposal of the case/their deportation.

2. The said foreigners shall not leave the boundaries of Special Camp at Trichirappalli except with the prior permission of the District Collector, Tiruchirappalli District”.

4. In the light of the above Government Order, the ground raised in



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this petition seeking interference of the order of the learned Additional Chief Metropolitan Magistrate, Chennai has become infructuous. Hence, this Criminal Original Petition is dismissed.

05.08.2024

Vv

To

1. The Additional Chief Metropolitan Magistrate,
Egmore, Chennai
2. The Inspector of Police,
Cyber Crime Cell, Team -D,
Central Crime Branch,
Chennai-7.
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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