



Crl.R.C.No.148 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.148 of 2024

Manju Datta Haru

... Petitioner

Vs.

The Inspector of Police,
CCB, Vepery,
Chennai.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records in connection with order passed by the learned Judicial Magistrate No.I, Alandur in Crl.M.P.No.4005 of 2023 dated 01.09.2023 and the same may be set aside.

For Petitioner : Mr.T.Arul

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This criminal revision petition is filed to set aside the order dated 01.09.2023 in Crl.M.P.No.4005 of 2023 on the file of the learned Judicial Magistrate No.I, Alandur.

2.The petitioner/accused in Crime No.51 of 2018 for the offence under Sections 363, 419, 420, 221 r/w. 120(b) of IPC and Section 12(1)(d) of Passport Act, 1967 filed a petition seeking return of passport bearing No.L2466866 before the learned Judicial Magistrate No.I, Alandur in Crl.M.P.No.4005 of 2023. The Trial Court by order dated 01.09.2023 dismissed the same. Against which the present revision petition is filed.

3.The case of the prosecution is that the defacto complainant lodged a complaint by stating that one Haru Manju Datta involved in child trafficking by forging documents and by impersonating in connivance with the other agents. On receipt of complaint and scrutiny of available documents, it is revealed that they were given departure immigration clearance at Chennai



Airport in British Airways. Further, on scrutiny of the travel details of the petitioner, it was found that there was no corresponding arrival for the last seven departures. Thereafter, enquiry was conducted in which it was found that one Palak Kumar Patel impersonating as the petitioner entered the immigration departure hall of Chennai International Airport. On further verification, it was found that the petitioner's passport was used seven times for child trafficking by various persons. Based on the complaint, a case in Crime No.51 of 2018 registered against the petitioner and five others.

4.The learned counsel for the petitioner submitted that the petitioner was arrested on 10.04.2018 along with seven persons in the above case. Earlier, the immigration authorities enquired the petitioner at Chennai International Airport, the petitioner produced all the relevant documents and gave reasons. The petitioner co-operated with the enquiry. The respondent perused all the documents, found the passport and visa are genuine but contrarily registered a case. During registration of FIR, the petitioner's passport was collected and it was retained by the respondent police. He would submit that the petitioner is in need of her passport bearing



No.L2466866. The petitioner's passport was neither confiscated nor impounded by the Passport Authorities till date and the petitioner is in requirement of interim custody of her passport to renew the same. He further submitted that the petitioner shall file an affidavit that she would not leave India without informing and obtaining necessary from this Court as well as the Passport authorities. He would further submit that the Trial Court failed to consider the facts of the case and also the petitioner's undertaking and dismissed the petition. The petitioner needs her passport, otherwise great difficulty and irreparable loss would be caused to the petitioner to renew the expired passport.

5.The learned Government Advocate (Crl. Side) submitted that the case involved is child trafficking and the passport of one Haru Manju Datta was impersonated by various persons and the petitioner played an active role. The immigration authorities in the Airport found that the petitioner is involved in child trafficking using the forged passport and travel documents. The respondent police went to Mumbai, arrested A1/Haru Manju Datta, recorded her confession and her passport was seized. The other accused in



the case were also arrested. Now the investigation is at the crucial stage.

Further, the passport is the prime document which has been used in commission of the offence. The immigration seal endorsement and the passport details are vital facts and the passport has to be produced during trial. In the event of handing over the interim custody of passport, there is a possibility of tampering or claiming of passport getting lost, thereby erasing vital evidence in this case. Further, there is a possibility of absconding of petitioner to foreign Country which would affect the investigation and the trial of the case. He would submit that the petitioner herself has stated that there is no imminent necessity to travel abroad and the requirement of passport is only for renewal of the same. He further submitted that under the Passport Act, after the case is completed the petitioner can very well apply for renewal with reasons and the same would be considered. In view of the same, the petitioner's contention seeking return of passport is not substantiated. Hence, prayed for dismissal of the revision petition.

6.Considering the submissions made and on perusal of the materials, it is seen that the passport of the petitioner is a relied upon document by the



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respondent in the above case. The seal and endorsement in the passport are also necessarily to be marked during trial. In view of the same, handing over of the passport to the petitioner for the purpose of renewal, which is a prime document required during trial, would not be proper. Hence, the Trial Court had rightly dismissed the petition filed by the petitioner seeking return of passport. In view of the above, this Court is not inclined to interfere with the order passed by the Trial Court.

7. Accordingly, the Criminal Revision Petition stands dismissed.

15.02.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The Inspector of Police,
CCB, Vepery,
Chennai.
- 2.The Judicial Magistrate No.I,
Alandur.



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M.NIRMAL KUMAR, J.

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