



W.P.No.10096 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.10096 of 2024
and W.M.P.Nos.11128 & 11130 of 2024

RAJALAKSHMI

...Petitioner

Vs.

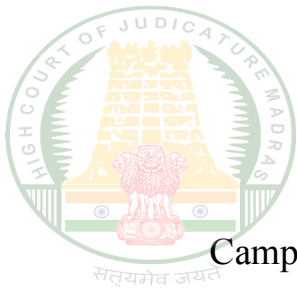
1. The State Of Tamil Nadu Rep By
The Principal Secretary To Government,
Public Foreign Department,
Secretariat, Chennai.

2.The District Collector Cum Camp Officer,
Special Camp For Foreigners,
Central Prison Campus,
Tiruchirapalli.

3.The Inspector Of Police
Team-XXXII Fake Passport Team Wing,
Central Crime Branch,
Chennai-07.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records in connection with the order passed in G.O.(1D). No.349, dated 26.07.2019 against the detenu named Sri Rasakrishnan @ Radhakrishnan @ Raasa @ Ramesh, confined at Special camp for Foreigners, Central Prison



W.P.No.10096 of 2024

Campus, Tiruchirapalli and quash the same.

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For Petitioner : Mr. R.Vivekananthan

For Respondent : Mr.R.Muniyapparaj, Additional Public
Prosecutor assisted By M.Sylvester John

ORDER

(Order of this Court was made by M.S.RAMESH.J.)

When the respondents herein, through the impugned G.O.(1D).No.349, Public (Foreigners) Department, dated 26.07.2019, had restricted the movement of the petitioner's husband / detenu named Sri Rasakrishnan @ Radhakrishnan @ Raasa @ Ramesh, who is a Sri Lankan citizen and retained him in the Special Camp for foreigners at Truchirapalli, the petitioner had challenged the same before this Court in the present Writ Petition.

2. According to the respondents, the petitioner's husband had subsequently involved in two criminal cases in C.C.No.3769 of 2021 on the file of the Additional Metropolitan Magistrate for CCB Cases, Egmore and C.C.No.5974 of 2022 on the file of the Special Metropolitan Magistrate for CCB and CB-CID Cases, Egmore.



W.P.No.10096 of 2024

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3. The learned counsel for the petitioner submitted that insofar as both the criminal cases are concerned, her husband was acquitted in C.C.No.3769 of 2021 and was imposed with a fine in C.C.No.5974 of 2022, and the amount has already been paid and that there are no criminal cases pending against him. The learned counsel also submitted that during the detenu's stay in India, he had married the petitioner and they also begot a son, who was born in India. It is further submitted that since the passport of the petitioner's husband was in the custody of the respondents herein, he was not in a position to renew the visa and therefore, he cannot travel to Sri Lanka.

4. During the pendency of the Writ Petition, we had taken note of all the submissions made by the learned counsels on either side and had passed an interim order dated 25.04.2024 in the following manner:

"The above writ petition has been filed challenging the order confining the petitioner's husband/detenu viz., Sri Rasakrishnan @ Radhakrishnan @ Raasa @ Ramesh, in Special Camp for Foreigners, Central Prison Campus, Thiruchirapalli.



WEB COPY



W.P.No.10096 of 2024

2. *It is the case of the petitioner that she is an Indian citizen and her husband/detenu is a Srilankan national and had came down to India with a valid visa; that she married the detenu on 21.12.2003 and a child was born to them on 07.10.2013; that thereafter, her husband/detenu was accused in two cases; and that subsequently in exercise of powers conferred under the Foreigner's Act, 1946 the respondents passed the impugned order stating that the detenu shall be detained in a Special Camp in the event of his release from prison till deportation.*

3. *It is also admitted that in C.C.No.3769 of 2021, the petitioner's husband/detenu was acquitted by the judgment dated 04.11.2023 passed by the learned Additional Metropolitan Magistrate for CCB cases, Egmore. In C.C.No.5974 of 2022, the learned Special Metropolitan Magistrate for CCB and CB-CID cases, Egmore, convicted the petitioner's husband/detenu for the offences under Sections 419, 420, 467, 468, 471 and 511 of the IPC and sentenced him to pay a fine of Rs.18,000/- and the detenu has also paid the fine amount on the same day.*

4. *The learned counsel for the petitioner submitted that in view of the fact that there are no cases pending against petitioner's husband/detenu, the impugned order detaining him in the Special Camp, has to be quashed.*



WEB COPY



W.P.No.10096 of 2024

5. *The learned Additional Public Prosecutor submitted that the petitioner's husband/detenu is a Sri Lankan national and steps are being taken to deport him to his country.*

6. *At this juncture, the learned counsel for the petitioner submitted that the detenu is aged about 65 years and though both the cases were disposed of in the year 2023 and the detenu is unnecessarily detained in the Special Camp, he may be permitted to reside with the petitioner owing to his age and health condition.*

7. *Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.*

8. *Since admittedly there are no cases pending against the detenu and the detenu would reside with the petitioner, an Indian citizen who has permanent roots in the country, we are of the view that pending consideration of the issues raised in the above writ petition, the detenu can be released temporarily from the Special Camp on stringent conditions, until further orders.*

9. *Accordingly, the respondents are directed to release the detenu viz., Sri Rasakrishnan @ Radhakrishnan @ Raasa @ Ramesh, who is confined Special Camp for Foreigners, Central Prison Campus, Tiruchirapalli, on the following conditions.*

(i) *The detenu shall execute a bond for a sum of Rs.5,000/- [Rupees Five Thousand only] with one surety, who shall be the petitioner for the likesum to the satisfaction of the*



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W.P.No.10096 of 2024

learned Judicial Magistrate, Alandur; and

(ii) The detenu shall appear and sign before the Inspector of Police, Adambakkam Police Station, Chennai, once in a week i.e., on every Monday at 10.30 a.m. until further orders.

10. Call the writ petition on 04.07.2024."

5. The aforesaid order is self explanatory. In continuation of our earlier order, it is seen that the petitioner and her husband are now living away from the Special Camp and are also complying with the conditions imposed as above. Thus, when the criminal cases against the petitioner's husband are closed, and there are no other criminal cases pending against him and by also taking note of the fact that her husband does not possess any valid travel documents, the foreign national may be permitted to continue and stay with his wife / petitioner herein till valid travel documents are issued for deporting him to Sri Lanka.

6. At this juncture, the learned Additional Public Prosecutor would submit that earlier when the respondents had tried to serve an emergency travel certificate form to the petitioner's husband for obtaining his signature, he had refused to sign in the form.



W.P.No.10096 of 2024

WEB COPY

7. Learned counsel for the petitioner would submit that the petitioner and her husband are willing to co-ordinate with the respondents herein for the purpose of signing any required form for obtaining the emergency travel certificate or visa before the appropriate authority. The statement is hereby recorded.

8. In the light of the above observations and findings, the impugned order dated 26.07.2019 is set aside. Consequently, the petitioner's husband viz., Sri Rasakrishnan @ Radhakrishnan @ Raasa @ Ramesh is permitted to reside outside the Special Camp for Foreigners, Central Prison Campus, Tiruchirapalli, subject to the following conditions:

(i) The detenu shall execute a bond for a sum of Rs.5,000/- [Rupees Five Thousand only] with one surety, who shall be the petitioner for the likesum to the satisfaction of the learned Judicial Magistrate, Alandur; and

(ii) The detenu shall appear and sign before the



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W.P.No.10096 of 2024

Inspector of Police, Adambakkam Police Station, Chennai,
once in a week i.e., on every Monday at 10.30 a.m. until
further orders.

9. Accordingly, the Writ Petition stands disposed of. No Costs.

Consequently, connected miscellaneous petitions are closed.

[M.S.R., J] [N.S., J]

24.03.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

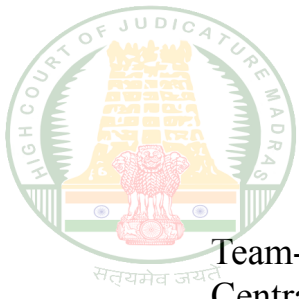
Anu

To

1.The Principal Secretary To Government,
Public Foreign Department,
Secretariat, Chennai.

2.The District Collector Cum Camp Officer,
Special Camp For Foreigners,
Central Prison Campus,
Tiruchirapalli.

3.The Inspector Of Police



W.P.No.10096 of 2024

Team-XXXII Fake Passport Team Wing,
Central Crime Branch,
Chennai-07.

4.The Inspector of Police,
Adambakkam Police Station, Chennai

5.The Judicial Magistrate, Alandur

6.The Public Prosecutor,
High Court, Madras



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