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CRL MP NO. 13663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO.13663 OF 2024

in

CRL A NO. 1111 OF 2022

Ameen Shah

S/O. Abu Tahir, NO.41, Sadaaiappan Street, Seven
Wells, Chennai 600001.

Petitioner (s)

Vs

State Rep By

The Inspector Of Police, N3, Muthialpet Police
Station, Chennai (crime No. 903/2016) and 2
Others

Respondent(s)

For Petitioner(s):

Mr.T. Vijay

For Respondent(s):

Mr.L.Baskaran

Government Advocate (Crl. Side) for R1

Ms. J.Anitha

Central Government Standing Counsel for R2 & R3

ORDER

The petitioner/A3 was convicted by the trial Court in S.C.No.163 of
2017 by the judgment dated 15.09.2022 for offences under Sections 449, 341,
307 r/w 34 of I.P.C. and sentenced to undergo 5 years rigorous imprisonment



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and to pay a fine of Rs.1,000/-, in default, to undergo 6 months simple imprisonment for offence under Section 449 of I.P.C., for the offence under Section 341 of I.P.C., sentenced to undergo one month simple imprisonment and for the offence under Section 307 r/w 34 of I.P.C., sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one year simple imprisonment.

2.The petitioner is doing textile business in Malaysia and Singapore. For the purpose of his business he has to travel to Malaysia and Singapore. Hence, he filed Crl.M.P.No.13663 of 2024 seeking permission to renew his passport bearing No.T3555602 for a period of 10 years. At that time it was found that the petitioner's passport is valid till 01.04.2029. Hence, he filed Crl.M.P.No.16325 of 2024 seeking to amend the prayer in Crl.M.P.No.13663 of 2024 permitting the petitioner to travel abroad for a period of three weeks instead of renewing the passport and the same was allowed by this Court on 12.02.2025.

3.The petitioner has been arrayed as A3 in S.C.No.163 of 2017. The other accused in that case are one Mohammed Hussain/A2/brother of



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petitioner and Mohammed Sheriff/A1/petitioner's brother's son. The case projected against the petitioner is that the de-facto complainant//PW1/Rasia Banu had given in marriage her daughter to the petitioner's brother's son/A1. There was some misunderstanding between the married couple and they got separated. While so, the accused/A1 to A3 trespassed into the house of PW2/Mohammed Yakoob, A1 attempted to assault him with knife all over his body. He also assaulted PW1/Rasia Banu and PW3/Shapura Parveen Banu and threatened them. PW3 sustained injury on her right thumb and when PW2 attempted to flee from the attack, the petitioner/A3 along with his brother/A2 said to have restrained him and therefore facilitating the attack by A1. Hence, the petitioner was convicted.

4.The contention of the petitioner is that there is a matrimonial discord between A1/Mohammed Sheriff and PW3/Shapura Parveen Banu, for which, an exaggerated version has been given against the accused. The overt act against the petitioner is that he restrained PW2/Mohammed Yakoob from escape from the assault of A1. The petitioner is a permanent resident of Chennai residing with his family. He has to necessarily come back to India to continue his business and live with his family. Since the appeal is pending



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before this Court, he has filed this petition seeking permission to fly to Malaysia and Singapore. Due to the pendency of this appeal, he would be denied of issuance of Visa to Malaysia and Singapore. Hence, he filed the above petition.

5.The learned counsel further submitted that yet another case was registered against the petitioner in Crime No.1 of 2017 for offences under Sections 498-A, 406 and 506(ii) of I.P.C. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act and the same was pending in C.C.No.1155 of 2024 before the learned VIII Metropolitan Magistrate, George Town, Chennai.

6.The learned Government Advocate (Crl. Side) filed a counter and submitted that the petitioner has been convicted by the trial Court in S.C.No.163 of 2017. Thereafter, he filed an appeal and obtained suspension of sentence and bail. The petitioner is also having one more case, which is pending trial. If the petitioner is permitted to travel abroad, he will not be available for the appeal as well as for trial in C.C.No.1155 of 2024 and the proceedings would get stalled.



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7.The learned counsel for petitioner submitted that he is residing with his family at Chennai. He is a permanent resident of Chennai. For business purpose, he needs to visit Malaysia and Singapore for a period of three weeks and he would ensure that the trial proceedings will not get stalled for his absence. Further submitted that the petitioner received the copy of charge sheet, already charges framed against him and he also engaged a counsel to defend him in the case. He undertakes to cross examine the witnesses then and there and he will not dispute his identity. Further as and when the appeal is taken up, he would continue with the appeal without any delay.

8.Ms.J.Anitha, learned Central Government Standing Counsel appearing for the respondents 2 and 3 filed a counter and submitted that as per Section 10(3)(d) of the Passports Act, 1967, if the holder of the passport or travel document has, at any time after the issue of the passport or travel document, been convicted by a Court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years, then his passport is liable to be impounded. In view of petitioner being convicted for 5 years, his passport bearing No.T3555602 is liable to be impounded. But fairly submitted that as on date no proceedings for



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impoundment of passport has been initiated.

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9.Considering the submissions made and on perusal of the material it is seen that in this case the petitioner/A3 has been convicted in S.C.No.163 of 2017 for offences under Sections 449, 341, 307 r/w 34 of I.P.C. There is a matrimonial discord between the petitioner's brother's son and his wife/PW3. The allegation against the petitioner is that he restrained the movement of the injured. As regards another case in C.C.No.1155 of 2024, it is for dowry demand, harassment and other offences. Primarily, both cases arise out of matrimonial discord. The petitioner is A3 in both cases. In one case he is convicted and appeal is pending, in another case, he is facing trial. The petitioner seeks permission to travel to Malaysia and Singapore for a period of three weeks. The appeal is of the year 2022 and appeal will not be taken for final hearing within this three weeks. It is also seen that the case in C.C.No.1155 of 2024 is posted for examination of witnesses on 04.03.2025 and there are other witnesses to be examined in this case. In view of the above, this Court finds that the petitioner's prayer to visit Malaysia and Singapore for continuation of the business can be permitted.



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10. In view of the above, the petitioner is directed to file an affidavit before the trial Court that his advocate would continue with the trial proceedings and petitioner will not dispute his identity and petitioner's absence would noway affect the proceedings of the trial. The petitioner to furnish the contact details in Malaysia and Singapore, viz., place of stay, contact number and E-mail address. The petitioner to file a memo giving details of his likely date of departure from India and arrival to India.

11. In view of the above, the Passport authorities and the Immigration authorities not to impede or restrict petitioner's travel. The Immigration authorities not to restrain the petitioner's free passage of travel.

12. Hence, the petitioner is free to travel abroad using his Passport No. T3555602. The requirement is, petitioner to inform the Trial Court and the respondent police by way of Memo and letter giving details of his travel and contact details, during each time of his travel.



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M. NIRMAL KUMAR, J.

rsi

13. Accordingly, the Criminal Miscellaneous Petition is ordered.

**12-02-2025
(2/2)**

rsi

Copy to:

The Foreign Regional Registration Officer,
Bureau of Immigration,
Sastri Bhawan, Haddows Road,
Nungambakkam, Chennai.

To

1. State Rep By
The Inspector Of Police,
N3, Muthialpet Police Station, Chennai
2. The Union Of India
Rep By Secretary, Ministry Of Home Affairs,
New Delhi.
3. The Passport Officer,
Regional Passport Office,
Rayala Tower , No.2 And 3, IV Floor,
Old No.785, 158, Anna Salai, Chennai 600 002.

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