



Crl.R.C.(MD)No.716 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.716 of 2025

Amirtharaja

... Petitioner/Accused

Vs.

The State,rep.by
The Inspector of Police,
North Police Station,
Karaikudi,
Sivagangai District.

... Respondent/Complainant

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to the order dated 04.06.2025 passed in Crl.M.P.No.901/2025 in Cr.No.458 of 2024, on the file of the Judicial Magistrate Court, Karaikudi and set aside the same.

For Petitioner : Mr.G.Hariharan

For Respondent : Mr.M.Sakthikumar
Government Advocate(Crl.Side)

ORDER

Challenging the order passed by the learned Judicial Magistrate, Karaikudi in Crl.M.P.No.901 of 2025 in Crime No.458 of 2024, dated 04.06.2025, this criminal revision case is filed.



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2. The petitioner made an application under Section 497 and 503 of BNSS seeking to return the petitioner's passport bearing No.P2939070 for interim custody to the petitioner. The petitioner was working at Singapore. On 02.05.2025, when he returned from Singapore for appearing in C.C.No.245 of 2025 on the file of the Judicial Magistrate, Karaikudi, the Customs Officers restrained the petitioner in the airport and seized his passport and the same is remanded to the Court custody in P.R.No.134 of 2025. Hence, he had filed an application seeking return of the said passport as an interim measure. However, the same was dismissed by recording the fact that permitting the petitioner to travel abroad without ensuring compliance with the maintenance order and arrears would not only undermine the authority of the Court, but would also prejudice the rights and sustenance of the dependent, particularly the minor children. Challenging the same, this criminal revision case is filed.

3. The learned counsel for the petitioner submitted that there is a total arrears of maintenance to a tune of Rs.10,80,000/-. The petitioner is suffering penury because of heavy loans to a tune of Rs.1 Crore which he



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had suffered due to a loss in his business. However, if he is not permitted to travel back to Singapore, he will not be able to meet out his day-to-day expenses as well as to repay the loans and also to comply with the order passed in the maintenance case. Hence, he has sought for interim custody of the passport by setting aside the impugned order. He further submitted that his wife is working as a Teacher in a Government Aided School. He drew my attention to the F.I.R in Crime No.302 of 2023 on the file of Karaikudi North Police Station, dated 09.10.2023, wherein his wife, namely Vimal had stated that she is working in a Government Aided School. On that basis, he pressed for allowing the criminal revision case.

4. This Court is convinced by the argument made by the learned counsel for the petitioner that the petitioner's wife, namely Vimal is working in a Government Aided School. In view of the same, this Court directs the petitioner to make a payment of Rs.5,00,000/- immediately within a period of two (2) weeks from the date of receipt of copy of this order to the credit of D.V.C.No.121 of 2022 on the file of Judicial Magistrate, Karaikudi and thereafter, the petitioner is permitted to file an application afresh before the Judicial Magistrate, Karaikudi for interim



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custody of the passport. The Judicial Magistrate, Karaikudi is directed to pass appropriate orders, granting interim custody of the passport to the petitioner within a period of one (1) week from the date of filing of the said application. The petitioner is also directed to file an undertaking affidavit before the Judicial Magistrate, Karaikudi stating that he will pay 50% of the arrears of maintenance as on 01.07.2025, within a period of six (6) months thereafter and the remaining arrears of 50% of the arrears of amount within a period of six (6) months from the date of payment of the first installment. In failure to comply with this order by settling the entire arrears of maintenance pending as on 01.07.2025, the order passed in Crl.M.P.No.901 of 2025, dated 04.06.2025 will be restored.

5. Accordingly, this Criminal Revision Case is disposed of.

01.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The Judicial Magistrate Court,
Karaikudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.716 of 2025

Dated: 01.07.2025