



CRL.OP(MD). No.11061 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 07.07.2025

COROM

THE HON'BLE MR.JUSTICE P.VADAMALAI

CRL.OP(MD). No.11061 of 2025

1.Baskaran

2.Radha

3.Karthick Raja

4.Sathish Raj @ Sathish

... Petitioners / A2 to A5

Vs.

The State of Tamil Nadu rep by,
The Sub-Inspector of Police,
AWPS Sankarankovil Police Station,
Tenkasi District.
(Crime No.12 of 2025)

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 483(1)(b) of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to modify the condition no.6(iv) stipulated in
Crl.M.P.No.1515 of 2025 on the file of the learned Principal Sessions Judge, Tenkasi
dated 19.06.2025.

For Petitioners : Mr.M.Dinesh Hari Sudarsan,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Criminal Side)



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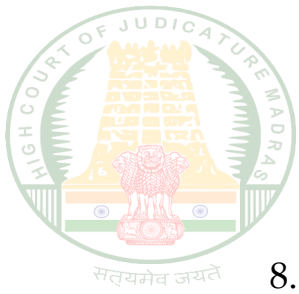
ORDER

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This petition has been filed seeking for modification of the condition no.6(iv) stipulated in Crl.M.P.No.1515 of 2025 on the file of the learned Principal Sessions Judge, Tenkasi dated 19.06.2025.

2. The learned counsel for the petitioners submits that the petitioners have complied with all other conditions. However, the requirement to surrender their passports is causing considerable hardship and making compliance unduly burdensome. Moreover, Condition No.6(iv) imposed by the learned Principal Sessions Judge, Tenkasi, is onerous, as a court of law does not possess the authority to retain a passport. Such retention would amount to impounding the passport, which lies exclusively within the jurisdiction of the Passport Authority. In support of his submissions, the learned counsel relied on the judgment of the Hon'ble Supreme Court in Suresh Nanda v. Central Bureau of Investigation, reported in (2008) 3 SCC 674. The relevant portions are extracted hereunder:-

"7. Sub-section (3)(e) of Section 10 of the Act provides for impounding of a passport if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel documents are pending before a criminal court in India. Thus, the Passport Authority has the power to impound the passport under the Act. When we read Section 104 of Cr.P.C. and Section 10 of the Act together, under Cr.P.C., the Court is empowered to impound any document or thing produced before it whereas the Act speaks specifically of impounding of the passport.



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8. Thus, the Act is a special Act relating to a matter of passport, whereas Section 104 of the Cr.P.C. authorizes the Court to impound document or thing produced before it. Where there is a special Act dealing with specific subject, resort should be had to that Act instead of general Act providing for the matter connected with the specific Act. As the Passports Act is a special act, the rule that general provision should yield to the specific provision is to be applied.

9. The Act being a specific Act whereas Section 104 of Cr.P.C. is a general provision for impounding any document or thing, it shall prevail over that Section in the Cr.P.C. as regards the passport. Thus, by necessary implication, the power of Court to impound any document or thing produced before it would exclude passport."

He would further submit that A1 is presently in India and, accordingly, prays for allowing this petition.

3. The learned Government Advocate (Criminal Side) would contend that there exists a likelihood of the petitioners fleeing to New Zealand, and therefore, vehemently opposes the relief sought in this petition.

4. Heard the learned counsel on both sides and perused the materials available on record.

5. Considering the nature of the offence allegedly committed by the petitioners and also considering the facts and circumstances of the case, the condition no.6(iv) imposed by the learned Principal Sessions Judge, Tenkasi in CrI.M.P.No.1515 of 2025 dated 19.06.2025, is hereby set aside. The other conditions imposed by the trial

Court are remain unaltered. This court is also granted further period of ten days to



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comply the condition imposed in the order made in Crl.M.P.No.1515 of 2025 dated 19.06.2025 on the file of the Principal Sessions Judge, Tenkasi, from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is allowed.

sd/-
07/07/2025

/ TRUE COPY /

/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn/pal

To

- 1.The Principal Sessions Judge,
Tenkasi.
- 2.The Judicial Magistrate Court,
Sankarankovil.
3. Do through the Chief Judicial Magistrate,
Sankarankovil.

<https://www.mhc.tn.gov.in/judis>



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4.The Sub-Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-7187[I] dated
07/07/2025)

ORDER
IN
CRL OP(MD) No.11061 of 2025
Date :07/07/2025

PS/SAR.21.07.2025 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023