

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 27-04-2026

PRONOUNCED ON: 01-06-2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL RC NO. 462 OF 2026

1. D.Sathishkumar
S/o.Deiveegam, 2/134, Kattu Valavu,
Kullampatti Village, Vazhappadi Taluk,
Salem District.

Petitioner(s)

Vs

1. State Rep. by The Inspector of Police
Crime Branch CID, OCU, Salem.
Crime No. 02/2025, Salem District.

2.S.Vasanthi
W/o.D.Sathishkumar
No.2/128, Kullampatti,
Kattuvalavu,
Kullampatti Post & Village,
Vazhapaddy Taluk,
Salem District-636 103.
(R2 impleaded vide order dated
01.06.2026 in CrI.MP.No.6310 of 2026)

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 528 of BNSS, praying to call for the records relating to the order dated 19.01.2026 made in CrI.M.P.No.2566/2025 in C.C.No. 1170/2025 on the file of the Judicial



Magistrate No.4, Salem and set aside the same by allowing this Criminal Revision Petition.

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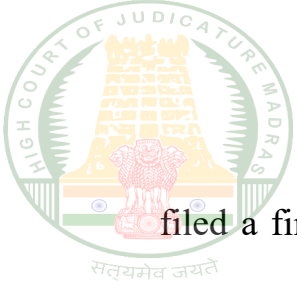
For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.R.KISHORE KUMAR
Govt.Advocate (Crl. Side)
for R1
Mr.T. Sundaravadanam for R2

ORDER

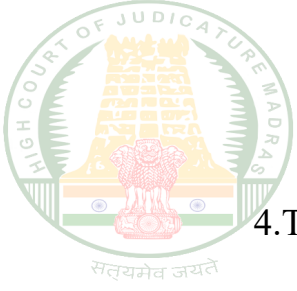
The present Criminal Revision Case is filed against the orders passed by the learned Judicial Magistrate No.IV, Salem in Crl.MP.No.2566 of 2025, in which the petitioner seeks for a prayer to allow him to resume work in Libya.

2.The brief facts which are necessary for the disposal of the present Criminal Revision Case is that, the *de facto* complainant one S.Vasanthi gave a complaint against the petitioner before the Vazhappadi Police Station in Crime No.364 of 2022 under Section 498A of IPC. Since there was no effective investigation, the *de facto* complainant filed Criminal Crl.O.P.No.15031 of 2025 for transfer of investigation, and this Court was pleased to transfer the investigation to the CBCID, Salem vide order dated 12.08.2024. After the transfer of the investigation, the complaint was re-registered in Crime No.2 of 2025 dated 08.02.2025. After the completion of investigation, the police has



filed a final report on 29.07.2025 before the learned Judicial Magistrate No.4, Salem, and the said final report was taken on file in C.C.No.1170 of 2025 under Section 494 and 498A of IPC. Since the petitioner was absconding and was staying out of the Country, a Blue Corner Notice as well as Lookout Circular were issued against the petitioner and thereafter, the petitioner was deported to India and was arrested on 25.03.2025 at Bombay Airport, and thereafter, remanded to judicial custody. Whiles, the petitioner was enlarged on bail with some conditions. In the meanwhile, the petitioner filed the instant application seeking permission to resume his duty at Libya. The said application was dismissed by the learned Magistrate vide the impugned order dated 19.01.2026 on the premise that the petitioner has not disclosed the statutory backup for its maintainability. Apart from that, the present application is nothing but a replication of earlier application qua in Crl.MP.No.3863 of 2025 dated 19.01.2026. Aggrieved with the same, the present Revision Case has been filed.

3.Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned counsel for the 2nd respondent.



4.The learned counsel for the petitioner would vehemently contend that there is no legal bar under the Code of Criminal Procedure to permit the petitioner to continue his employment in abroad. He would further submit that no person can be deprived of his life and liberty to go abroad unless there is a law prescribing the procedure for depriving the same. The learned counsel would further submit that the petitioner had been employed in Libya since 2019 and if the petitioner is not allowed to travel to Libya to pursue his avocation, the same would become a violation of his personal liberty as guaranteed under Articles 19(1)(g) and 21 of the Constitution of India. It is also the contention of the petitioner that even according to Section 6(2)(f) of Passport Act, 1967, there is no bar in granting such permission. It is the further submission of the learned counsel for the petitioner that the petitioner could very well appear before this Court through virtual mode and he also undertakes to appear on the date of final judgment. Hence, prayed to interfere with the impugned order.

5.Per contra, the said contention was stoutly objected by the learned Government Advocate (Crl.Side) and would contend that, though FIR was registered in the year 2022, after great difficulty the petitioner was secured. He did not cooperate with the investigation in spite of the request from



investigation Agency. After the investigation transferred to the respondent, Blue

Corner Notice as well as Look Out Circular were issued and they were able to

secure the petitioner after a period of 3 years qua during 2025. It is the specific

contention of the learned Government Advocate (Crl.Side) that if the petitioner

is allowed to travel abroad, then it would become very difficult to avail his

presence in trial. Therefore, would contend that the petitioner's presence in

India is very much essential. Apart from that, it is his contention that though the

principle of *res judicata* is not strictly applicable to the criminal proceedings,

filing the second application without challenging the earlier one is illegal. He

would further contend that there is no change in circumstances. Hence, prayed

to dismiss the present revision.

6. The wife has also filed an application for impleadment so as to

intervene in this matter. According to her submission, the petitioner and the

intervenor S.Vasanthi were students in a polytechnic and they loved each other

and in pursuance thereof, their marriage took place and initially the petitioner

was working in Jharkhand and Bihar. When he was working there, the

intervenor stayed along with him. Out of their wedlock, they have one male

child. She would further submit that, in the interest of minor child, after he got



job in Libya, she did not join him in Libya. While so, he developed illegal intimacy with one Jubaida Khatun, who is native of Calcutta and now that both have married. Apart from that, it is also the submission that there was a dowry harassment. Hence, would pray to dismiss the present revision.

7.I have given my anxious consideration to either side submissions.

8.While perusing the application, the application contains two pages with four paragraphs. In the application, he stated that he was working as an Engineer at First Global Engineering Services Private Limited. Unless he resumes the work in Libya, he will be terminated from service. He also undertakes to maintain his wife and child and also undertake to appear before the Court through his counsel and would appear personally at the time of pronouncing judgment. It is his further submission that if he is allowed to travel to Libya, he will come back during the month of April 2026.

9.At this juncture, it is relevant to refer the earlier order in Crl.MP.No.3863 of 2025 dated 19.01.2026, in which the very same prayer sought for. But, the same was dismissed after considering the past conduct of



the petitioner especially in evading the investigation. Admittedly, the said order is unchallenged and reached it's finality. However, within a short span of time without even any change in circumstances, the petitioner has come up with the present application. At this juncture, it is relevant to refer the judgment of the Hon'ble Supreme Court of India relied upon by the petitioner in ***Mahesh Kumar Agarwal Vs. Union of India and another*** reported in ***2025 SCC OnLine SC 2887*** and would contend that the passport may be returned to the accused on his undertaking to appear before this Court.

10.However, while considering the factual position of the reported case, it was a case where the petitioner sought for passport for its renewal, whereas, in the case in hand, the petitioner wants to travel abroad. No doubt any denial of the petitioner to travel abroad would infringe upon the fundamental right. As held by the Hon'ble Supreme Court, the right to travel abroad though valuable and integral part of right to personal liberty, a balance has to be struck between the right of an individual and the enforcement of a criminal justice system.

11.In the present case, while looking into the factual position, though the petitioner is on bail, it appears that at the time of his enlargement, his passport



was secured, and as per the Crl.MP.No.1057 of 2025 vide order dated 23.04.2025, the condition imposed against the petitioner was relaxed to the extent of directing him to appear and sign before the respondent police on twice a month i.e., 1st and 16th of every month at 10.00.AM until further orders and such order is still in force.

12. While looking at the application filed by the petitioner, the application is omnibus and the application did not deal about any ground as to the return of passport, dispensing his presence before the Court, and no permission sought to appear through virtual mode to all stage except the stage of pronouncing judgment. The petitioner couched omnibus prayer covering all the above prayers. As rightly observed by the learned Magistrate, the present application is nothing but, the replication of earlier application.

13. Apart from that, as already stated, the petitioner has not filed a proper application for any of the above relief. While considering the petitioner's prayer, it is mandatory on the part of the Court to look into the previous conduct, as the previous conduct is an indication as to how the petitioner would react in a given situation. In the present case, the complaint was given during 2022 and



according to the statement of the respondent, in spite of the request, he has not returned to India and did not cooperate with the investigation. He could be secured only after issuing the Blue Corner Notice and Look Out Circular. Therefore, his past conduct would clearly demonstrate that there is every possibility of delaying the trial.

14.This Court is conscious of the fact that while exercising the discretion, the Court has to exercise the same judiciously and with humane and compassionate manner. But, considering the past conduct of the petitioner and also the way in which the application has been filed, this Court is seriously apprehending the conduct of the petitioner, as there is every possibility of delaying trial by staying continuously at Libya. While looking his conduct in drafting the petition, though the petitioner is so magnanimous to appear through virtual mode at all stages except the pronouncing judgment, the same indirectly affects the discretion of the learned Magistrate.

15.As already observed, there is also a condition imposed against the petitioner to appear before the respondent police twice in a month. Apart from that, the prayer sought for in the petition is taking away the discretion of the



learned Magistrate. It is well settled principle of law that while exercising the power of Revision, the contours are very limited. Unless the findings rendered by the learned Magistrate is palpably perverse and not supported by any available material, the same could not be interfered with. In the case in hand, in view of the above discussion, this Court could not find any perversity in the impugned order.

16. Accordingly, this Court absolutely does not find any ground to interfere with the impugned order of the learned Magistrate.

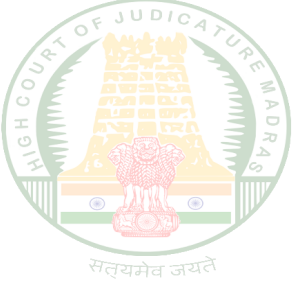
17. In the result, this Criminal Revision Case stands dismissed.

01-06-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. The Judicial Magistrate No.4,
Salem.



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CRL RC No. 462 of 2026

C.KUMARAPPAN J.

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**Pre-Delivery Order in
CRL RC NO.462 of 2026**

**01-06-2026
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