



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.14273 of 2017

WEB COPY

Manickam Tagore

... Petitioner

Vs.

State Represented by the
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(Crime No.143 of 2011)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.VI, Madurai to dispose of the petition by passing appropriate orders in the petition filed by the petitioner in Cr.M.P.No.1064 of 2016 in C.C.No.197 of 2011 on merits, within stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Aravindan

For Respondent : Mr.K.Anbarasan
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed under Section 482 Cr.P.C., directing the learned Judicial Magistrate No.VI, Madurai to dispose of the petition by passing appropriate orders in the petition filed by the petitioner in Cr.M.P.No.1064 of 2016 in C.C.No.197 of 2011 on merits, within stipulated time that may be fixed by this Court.

2.The learned counsel appearing for the petitioner relied upon the decisions of this Court in CrI.O.P.(MD)No.2566 of 2015 dated 23.02.2015, wherein, this Court has passed similar type of orders and the relevant portion of the order reads as follows:

"4.A perusal of the judgments in Deepak Dwarkasingh Chhabria v. Union of India (AIR Bombay 181) and Dhiren Baxi v. Regional Passport Officer, Ahmedabad (AIR 2003 GUJARAT 108) and the notification issued by the Ministry of External Affairs, New Delhi dated 25.08.1993 in GSR 570(E), which is extracted hereunder would make clear that it is open to the petitioner to seek relief of permission to travel abroad when criminal proceedings are pending against him.



5. The relevant extract of the above notification reads thus:

"No.GSR 570(E) In exercise of the powers conferred by clause (1) of Section 22 of the passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.(E), dated the 14th April, 1970, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal Court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of clause (f) of sub section (2) of Section 6 of the said Act. Subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued -

(i) for the period specified in order of the court referred to above, if the court specified a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(i) and (a)(n) can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;



(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the Laid citizen shall given an undertaking in writing to the passport issuing authority that he shall, if required by the Court concerned, appear before it at any time during the continuance in force of the passport so issued."

3. In view of the above, the Judicial Magistrate No.VI, Madurai, is hereby directed to pass appropriate orders in the petition filed by the petitioner in Cr.M.P.No.1064 of 2016 in C.C.No.197 of 2011 on merits, within the period of two weeks from the date of receipt of a copy of this order.

4. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The learned Judicial Magistrate No.VI,
Madurai
2. The Inspector of Police,
Thirunagar Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.R.Aravindan, Advocate Sr.No.83598

MRN/VSG

VB/JC/SAR1/27/10/2017/3P/6C

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