



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.(MD)No.8789 of 2017

B.John Pandian

...Petitioner

Vs.

1.The Regional Passport Authority,
Regional Passport Office,
Chennai.

2.The State represented by,
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.45 of 1993)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue a passport by renewing the same vide Passport No.K7879813 to the petitioner for enabling to attend a conference scheduled to be taken at Los Angels, United States of America from 19.05.2017 till 21.05.2017.

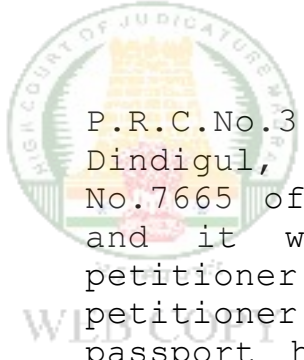
For Petitioner	: Mr.R.Anand
For R-1	: Mr.C.Nanda Gopal (For R1)
For R-2	: Mr.T.R.Janarthanam (For R2), Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuing a Writ of Mandamus, directing the 1st respondent to issue a passport by renewing the same vide Passport No.K7879813 to the petitioner for enabling to attend a conference scheduled to be taken at Los Angels, United States of America from 19.05.2017 till 21.05.2017.

2. Heard, Mr.R.Anand, the learned counsel appearing for the petitioner and Mr.C.Nanda Gopal, learned counsel appearing for the first respondent, Mr.T.R.Janarthanam, the learned Additional Government Pleader appearing for the second respondent.

<https://hcservices.courts.tn.in/hcservices>
The learned counsel for the petitioner would submit that though number of cases have been filed against the petitioner, he got acquittal in all those cases. In one case pending in



P.R.C.No.3 of 2010 before the learned Judicial Magistrate No.II, Dindigul, the petitioner has filed a petition in CrI.O.P.(MD) No.7665 of 2011 before this Court to quash the said proceedings and it was admitted, the proceedings were stayed and the petitioner's appearance was also dispensed with. While so, the petitioner wants to go United States of America. The petitioner's passport has also expired. Though the petitioner applied for renewal of the passport, it is kept pending and it has not been renewed by the passport authorities, since the criminal cases are pending against the petitioner. In the said circumstances, the petitioner seeks permission of this Court to go abroad and if the petitioner is permitted to go abroad, it may enable the petitioner to get the renewal of the passport.

4. The learned counsel for the petitioner further would submit that the petitioner wants to go abroad only for a period of three weeks and after return, he is ready to surrender his passport before the trial Court.

5. The learned Additional Government Pleader appearing for the second respondent strongly objected by saying that the petitioner may abscond and further submitted that apart from the case in P.R.C.No.3 of 2010 before the learned Judicial Magistrate No.II, Dindigul, one another case has also been registered against him by the Sempatti Police station in Crime No.304 of 2011 for the offences under Sections 147, 148, 324, 307 and 149 r/w Section 3 (1) and 5 of TNPPDL Act, 1992 and 109 I.P.C., and in that case also, final report has been filed showing the petitioner which he wants to go abroad.

6. This Court considers the submissions made on either side and perused the records available on record. Of course, several cases are pending against the petitioner, all those cases have come to an end. Now at present, according to the prosecution, only two cases are pending against him. One case is pending before the learned Judicial Magistrate No.II, Dindigul, in P.R.C.No.3 of 2010 and that case has not been committed to Sessions. With regard to another case, though final report has been filed, according to the prosecution, it had not been taken on file by the learned Judicial Magistrate. The petitioner wants to go abroad only for a short period of three weeks. This Court is of the view that no prejudice would be caused to the prosecution by permitting the petitioner to go abroad and the apprehension of the prosecution, the petitioner may abscond is also baseless.

7. In the said circumstances, the petitioner is permitted to go abroad for a period of three weeks. Before leaving India, the petitioner shall appear before the learned Judicial Magistrate No.II, Dindigul and file an affidavit with regard to the date on which he is leaving India and the date before which he would return to India and further he may give the details of the programmes to the extent possible.



8. The first respondent is hereby directed to renew the Passport and issue the same to the petitioner within a period of one week from the date of receipt of a copy of this order. After return from the abroad, the petitioner is directed to surrender the Passport on the next day of his arrival before the learned Judicial Magistrate No.II, Dindigul.

9. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The Regional Passport Authority,
Regional Passport Office,
Chennai.

2.The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.45 of 1993)

3.The Judicial Magistrate No.II, Dindigul

+One cc to Mr.R.Anand, Advocate, SR.No.57534

+One cc to The Special Government Pleader, SR.No.57888

pmu/vsa

RL/6C/3P/SKN/RSK/SAR3/20/7/2017

W.P. (MD) No.8789 of 2017

25.05.2017