

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14252 of 2018
and W.M.P.No.16844 of 2018

P.Vijayaraghavan

.. Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office (Chennai),
Royala Towers Nos. 2 & 3, IVth Floor,
Old No.785, New No.158,
Anna Salai, Chennai - 600 002.

.. Respondent

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent herein to renew the passport of the petitioner bearing No. R 6278003 for the normal period of 10 years pursuant to the application made by the petitioner in File No.MA1071090718318 dated 10.04.2018 pending on the file of the respondent, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.N.Ramakrishnan
for M/s.Waraon & Sai Rams

For Respondent : Mr.V.Ashok Kumar

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondent herein to renew the passport of the petitioner bearing No. R 6278003 for the normal period of 10 years pursuant to the application made by the petitioner in File No.MA1071090718318 dated 10.04.2018 pending on the file of the respondent, within a stipulated time that may be fixed by this Court.

2. The petitioner was a Director of a company under the name and style of Mountamount Signapore PTE Ltd,. He had links

with two companies in India viz., MVR Industries Limited and Maxwell Exim Foods Limited, and had availed financial facilities from the Indian Bank, Muthialpet Branch, Chennai. The petitioner was neither borrower or guarantor for the loans availed by the above-said two companies in India. The CBI, BS & FC, Bangalore, had registered two FIRs in the year 1996 against the said MVR Industries Limited and Maxwell Exim Foods Limited and its Directors and some public servants. The petitioner was arrayed as the 15th accused in the said case in his capacity as a Director of M/s.Mountamount Singapore PTE Ltd. The charge sheet was filed before the trial Court and the same was numbered as C.C.No.64 of 2001. He was also arrested by the CBI on 03.06.2012 and remanded to judicial custody by the trial Court. The petitioner was granted an interim bail and as per the bail conditions, the passport of the petitioner was seized by the CBI in the course of investigation and deposited before the trial Court.

3. Subsequently, the petitioner was granted permanent bail in Crl.O.P.No.20207 of 2012. He had also filed a petition under Section 239 Cr.P.C. praying for discharge and it was dismissed by the trial Court on 29.04.2016. Aggrieved by the same, the petitioner preferred Crl.R.C.No.1071 of 2016 before this Court and the same was allowed. The operative portion of the said judgment reads as follows:-

90. It appears that the petitioner herein has filed a petition in Criminal M.P.No.10823/2016 seeking a direction to the learned Special Judge for CBI Cases (VIII Additional Principal Special Judge) to return his original passport which was impounded at the time of granting bail in his favour in Criminal O.P.No.14457/2012. Since he is discharged from the charges, impounding of his passport with related documents is no longer required. Hence, the learned Special Judge for CBI Cases is hereby directed to return his original passport along with related documents forthwith to the petitioner as the same is no longer required for any other purpose. With this direction the petition in Criminal M.P.No.10823/2016 is disposed of.

4. As already this Court had directed the trial Court to return the passport on the ground that the petitioner was discharged from all the charges, the passport was also returned to him. As the validity of passport expired, the petitioner now applied for renewal of the same for the regular period of 10 years, which is yet to be given by the respondent.

5. The learned counsel appearing for the respondent would submit that they are not aware whether the CBI has gone on appeal. As on date, the petitioner was discharged of all the charges against him and therefore, there cannot be any impediment for the respondent to issue the passport.

6. Since there is no impediment as on date for issuing passport in favour of the petitioner, it is open to the authorities to issue passport. In the light of the above facts, the respondent is directed to verify the office of the CBI whether they had gone on appeal and if there is no proceedings pending against the petitioner, the valid passport shall be issued to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Regional Passport Officer,
Regional Passport Office (Chennai),
Royala Towers Nos. 2 & 3, IVth Floor,
Old No.785, New No.158,
Anna Salai, Chennai - 600 002.

+2 cc to M/s.Waraon & Sai Rams, Advocate SR.No.88207

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CSL/26.12.2018