



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.7962 of 2017

P.Rajasekaran

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The State rep by
The Inspector of Police,
Keeravalavu Police Station.

3.The State rep by
The Inspector of Police,
Othakkadai Police Station.

4.The Regional Passport Officer,
Bharathi Ulla Street,
Race Course Road,
Madurai.

... Respondents

(R4 impleaded as per order of this
Court made in Crl.M.P.(MD)No.11580 of
2017 in Crl.O.P.(MD)No.7962 of 2017,
dated 22.12.2017 by SSSRJ)

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned order made in Crl.M.P.No.5299 of 2016, dated 28.03.2017, on the file of the learned Judicial Magistrate, Melur and by allowing the above criminal original petition.

For Petitioner : Mr.Veera Kathiravan
For Mr.S.R.Manickaraj



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For R1 to R3

: Mr.A.Natarajan,
Public Prosecutor,
Assisted by Mr.A.Robinson
Govt. Advocate (Crl. Side)

For R4

: Mr.V.Kathirvelu,
Additional Solicitor General
Assisted by Mr.P.Subbiah
Central Govt. Standing Counsel

O R D E R

The petitioner is facing prosecution in as many as three cases. The petitioner filed an application before the learned Judicial Magistrate, Melur, seeking permission to go abroad. Even while the application was pending enquiry, the petitioner's passport itself got expired. The petitioner's application was also dismissed by the impugned order dated 28.03.2017 in Crl.M.P.No.5299 of 2016. Challenging the same, this criminal original petition has been filed.

2.Heard the learned Senior Counsel appearing for the petitioner, the learned Public Prosecutor appearing for the respondents 1 to 3 and the learned Additional Solicitor General appearing for the fourth respondent.

3.It cannot be in dispute that the right to travel abroad is a fundamental right. It is also seen that the petitioner is very much having roots in Madurai and there is no possibility of his absconding. The learned Senior Counsel on instructions states that the petitioner seeks renewal of the passport, so that he can travel abroad for business purposes and other social activities. He gives an undertaking that the petitioner would appear without fail on all the hearing dates and if he is unable appear for any reason, he would filed an appropriate application under Section 317 of Cr.P.C. He further states that the hearings need not be adjourned owing to his absence and that he will not take advantage of his absence also.

4.At this stage, the learned Public Prosecutor appearing for the respondents 1 to 3 submitted that the petitioner's request for blanket renewal of his passport cannot be granted. I find force in the said submission. A person facing a criminal trial can seek renewal of his passport only for a limited period. The order impugned in this criminal original petition is set aside and the criminal original petition stands allowed and the fourth respondent



is directed to favorably consider the petitioner' application for issuance of fresh passport. Of course, the passport to be issued by the fourth respondent will be valid for a period of one year.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Judicial Magistrate,
Melur.
- 2.The Superintendent of Police,
Madurai District.
- 3.The Inspector of Police,
Keeravalavu Police Station,
Madurai District.
- 4.The Inspector of Police,
Othakkadai Police Station,
Madurai District.
- 5.The Regional Passport Officer,
Bharathi Ulla Street,
Race Course Road, Madurai.

+2 CC to M/s.P. SUBBIAH, Advocate SR-83520

+2 CC to M/s.VEERAASSOCIATES, Advocate SR-83591 & 84009

Crl.O.P. (MD)No.7962 of 2017
27.08.2019

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