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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 8937 of 2019

and

W.M.P. No. 9505 of 2019

G. Mithrracini

... Petitioner

-vs-

1. The Foreigner Regional Registration Officer,
The Foreigner Regional Registration Office,
No. 26, Shastri Bhawan Annexe Building,
26, Haddows Road,
Nungambakkam,
Chennai - 600 006.
2. The Chief Immigration Officer,
The Chief Immigration Office,
No. 27, Shastri Bhawan Annexe Building,
Haddows Road,
Nungambakkam,
Chennai - 600 008.
3. The Regional Passport Office,
Royala Towers,
Nos. 2 and 3, IV Floor,
Old No. 785, New No. 158, Anna Salai,
Chennai - 600 002.
4. The State,
Rep. by Inspector of Police,
J-5, Shastri Nagar Police Station,
Chennai - 600 020.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the First Respondent to consider the representation dated 22.02.2019 in extending the Petitioner Residential Permit Service No. TN02/RCF/MYS/1247/2018, S. Form Registration No. 71C320038616 and extend the Petitioner VISA VK 7852682 for the Petitioner's studies.



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For Petitioner: Mr. Shankarasubbu for
Mr. N.G.P. Rajaram

For Respondents: Mr. Venkatasamy Babu,
Central Government Standing Counsel
(for R1 to R3)

Mr. M. Karthikeyan,
Additional Government Pleader (for R4)

O R D E R

The Petitioner, who is a holder of Malaysian Passport, has filed this Writ Petition for a direction to the First Respondent to consider her representation dated 22.02.2019 for extending residential permit service no. TN02/RCF/MYS/1247/2018 granted to her, and extend her visa no. VK 7852682 for her studies.

2. The Fourth Respondent, viz., Inspector of Police, J-5, Shastri Nagar Police Station, Chennai, has filed status report dated 11.07.2019 stating, inter alia, that based on the confession statement made by the Petitioner, a criminal case has been registered against her and after completion of elaborate and detailed investigation on 21.09.2019, the Investigation Officer filed charge-sheet against the Petitioner before IX Metropolitan Magistrate Court, Saidapet, which has been taken on record by proceedings P.R.C. No. 08/2019 dated 21.09.2018 and the case has been committed to the Mahila Session Court, Chennai in S.C. No. 84 of 2019 on 22.02.2019 and that the case is now in the stage of examination of witnesses of the prosecution.

3. Learned Central Government Standing Counsel appearing for the First to Third Respondents has produced a copy of the order dated 19.06.2019 in CrI. Rc. Nos. 468 and 469 of 2019 passed by this Court devising the procedure to be followed for dealing with the applications for extension of visa for foreigners who are accused of having committed crime in India during their stay in India so that it would not make them liable for being prosecuted for overstaying under the Foreigners Act, 1946, and the same is as follows:-

- (i) the Criminal Court to which the passport has been surrendered shall hand over the same to the Authorized Officer of the Prosecuting Agency under acknowledgment;
- (ii) the Prosecuting Agency shall submit a proforma for issue of Look Out Circular to the jurisdictional Foreigner Regional Registration Officer (hereinafter referred to as 'FRRO' for brevity) to prevent the accused from fleeing India;



- (iii) the Prosecuting Agency shall submit the passport of the Accused to the jurisdictional FRRO with a request to extend his visa for a reasonable period;
- (iv) the accused shall pay the prescribed fee for the extension of his visa at the office of the jurisdictional FRRO;
- (v) after the jurisdictional FRRO extends the visa, the passport with necessary endorsement shall be handed over to the Authorized Officer of the Prosecuting Agency, who in-turn shall deposit the same back with the Criminal Court, and photocopies of the passport with visa shall be furnished to the accused; and
- (vi) after all the legal proceedings are over and if the presence of the accused in India is not required, the Prosecuting Agency shall take steps with the jurisdictional FRRO to withdraw the Look Out Circular and the Criminal Court may thereafter return the passport to the accused for him to leave India.

4. Having regard to the aforesaid submissions made, the Respondents shall proceed to dispose the application made by the Petitioner for extension of visa for stay in India on the said terms in this case.

5. Accordingly, the Writ Petition stands disposed. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

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Chennai - 600 006.
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The Chief Immigration Office,
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Old No. 785, New No. 158, Anna Salai,
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4. The Inspector of Police,
J-5, Shastri Nagar Police Station,
Chennai - 600 020.

+1 CC to M/s. Venkatasamy Babu, Advocate sr 74000.

W.P. No. 8937 of 2019

BS (CO)
SP(09/01/2020)