

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.20458/2019

V.Venkatesh
Petitioner/Accused

..

Vs

1. State rep.by
the Deputy Superintendent of Police
EOW, CBI
Chennai 600 006.

2.The Regional Passport Officer
Shastri Bhavan,
Chennai.

..

Respondent/Complainant

Prayer:- Petition filed under section 482 Cr.P.C., to issue suitable directions to the 2nd respondent to renew the Petitioner's passport No. R 4755847 with usual validity period of Ten years pending disposal of C.C.No.9825 of 2005 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner :Mr.B.Natarajan

For Respondents :Mr.K.Srinivasan,
Spl.PP [CBI] for R1

:Mr.R.Vasu Devan,CGSC

for R2

ORDER

This Court vide order dated 21.08.2019, had, in the open Court, allowed the petition and directed the 2nd respondent to renew the petitioner's passport for the period of two years, on compliance with other conditions by the petitioner.

2 However, before the Order could be typed and made ready, the learned Special Public Prosecutor, CBI Cases, on the next day i.e. 22.08.2019, made a mention before this Court, stating that, now since the case is pending before

the trial Court , the petitioner has to approach the Trial Court and only, if it is denied by the trial Court, the petitioner can approach this Court and thereby the petition filed under section 482 of Cr.P.C seeking for direction to renew the petitioner's passport is not maintainable.

3 After hearing the above submissions of learned Special Public Prosecutor, this Court has posted the matter under the caption 'for being mentioned' on 26.08.2019 and thereafter it is posted for hearing today.

4 The learned Special Public Prosecutor would submit that a co-ordinate Bench of this Court in CrI.OP.NO.20654/2019 had taken a view that as per the Notification issued by the Ministry of External Affairs, dated 25.08.1993 in No.GSR 570 (E), a petition filed under section 482 of Cr.P.C., seeking for a direction to renew the passport will not be directly maintainable before the Court and the petitioner in that case has also withdrawn the petition seeking liberty to proceed in accordance with law.

5 The learned counsel for the petitioner would submit that earlier the petitioner had approached this Court on two occasions and this Court by its earlier order in CrI.OP.No.2928/2010 dated 31.01.2011 and CrI.OP.No.7372/2017 dated 17.04.2017 had directed the renewal of the passport and that is the reason, the petitioner has directly approached this Court by way of the present petition. However he would now seek permission to withdraw the petition with liberty to file appropriate petition before the trial Court seeking for renewal of passport and he has also made an endorsement to that effect.

6 In view of the same, the present petition stands dismissed as withdrawn and liberty sought for, is granted. The trial Court shall consider the application and pass orders within a specified period, taking into consideration the validity of the petitioner's passport.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.

2. The Deputy Superintendent of Police
EOW, CBI, Chennai 600 006.

3.The Special Public Prosecutor
CBI Cases, Chennai.

4.The Regional Passport Officer
Shastri Bhavan, Chennai.

+1cc to Mr.r.vasu Devan , Advocate SR.No. 71401

Cr1.OP.No.20458/2019

vg II (CO)

A.SK(23/09/2019)