

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.08.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.22428 of 2019

M.Rizwan

... Petitioner
vs.

The State of Tamil Nadu,
Represented by Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai 600 032 .. Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 11.09.2018 made in M.P.No.1132 of 2018 in C.C.No.6371 of 2013, on the file of the IX Metropolitan magistrate (FAC), Saidapet, Chennai and pass necessary orders for renewal of his passport No.G7679452 vide application Ref.No.18-1003342529 with normal 10 year validity period.

For Petitioner : Mr.N.S.Sivakumar
For Respondents: Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below refusing to order for renewal of the passport, which stands in the name of the petitioner.

2. The Trial Court has placed reliance on the Notification of the Ministry of External Affairs. But, however, the Trial Court understood that the notification confines itself only with regard to permission for departure from India. The Court below has given a finding that the renewal of the passport cannot be done by getting directions from the Court.

3. This Court is not in agreement with the order passed by the Court below. When Criminal Proceedings are pending before the Court, the passport can be issued or renewed only based on the production of orders from the concerned Court. In notification NOGSR 570 B, the conditions under which a passport or travel documents could be issued has been enumerated. Therefore, even for a renewal of passport, it requires the

orders of the Court and without the same, the passport cannot be renewed in all cases, where criminal proceedings are pending.

4. In view of the above, the order passed by the Court below is set aside and there shall be a direction to the Regional Passport Office, Chennai, to renew the passport No.G7679452 of the petitioner, for a period of ten years.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu,
Represented by Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai 600 032

2. The Regional Passport Officer,
Chennai

3. The Public Prosecutor
High Court of Madras.

+1 cc to Mr.N.S.Sivakumar Advocate sr72608

सत्यमेव जयते

Cr1.O.P No.22428 of 2019

gmr(co)
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