

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.22782 of 2019

S.Shahul

...Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
H-6 R.K.Nagar Police Station,
Chennai 600 021.

2.The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Rayala Towers No.2 and 3, 4th Floor,
Old No.785, New No.158,
Anna Salai,
Chennai 600 002.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to grant permission to the petitioner to travel abroad and exempt the petitioner from the purview of Section 6(2)(f) of the Passports Act to enable the second respondent to re-issue the passport to the petitioner vide application No.MA51C5009509919 dated 07.02.2019 in the light of the judgment of this Court in N.Chandrababu Vs. the Inspector of Police, Palakkarai Police Station, Trichy reported in 2017(3) CTC 493 within a time frame fixed by this Court.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.C.Iyyapparaj for R1
Additional Public Prosecutor
Mr.T.V.Krishnamachari (SPC) for R2

O R D E R

The petition is filed seeking to grant permission to the petitioner to travel abroad and exempt the petitioner

from the purview of Section 6(2)(f) of the Passports Act to enable the second respondent to re-issue the passport to the petitioner vide application No.MA51C5009509919 dated 07.02.2019 in the light of the judgment of this Court in N.Chandrababu Vs. the Inspector of Police, Palakkarai Police Station, Trichy reported in 2017(3) CTC 493 within a time frame fixed by this Court.

2.Since the petitioner herein was served with the show cause notice stating that an adverse police verification report has come to the notice of the Regional Passport Officer in connection with the pendency of criminal case, the petitioner apprehends that his application for re-issuance of the passport may be registered. Therefore, he filed the present Writ Petition seeking for a direction for re-issuance of passport and to travel abroad.

3.Today, when the matter was called, the attention of this Court brought to the Notification issued by the Ministry of External Affairs dated 25.08.1993 stating that in matters where criminal cases are pending against a person, who seek for issuance of passport, such a passport can be issued/renewed for a period of one year.

4. In view of the Notification of the Ministry of External Affairs dated 25.08.1993, there cannot be any impediment from the re-issuance of the petitioner's passport for a temporary period of one year.

5.In the light of the above observations, the petitioner is grant at liberty to approach the second respondent with the copy of this order and on receipt of such copy, the second respondent herein shall endeavour to re-issue the petitioner's passport pending in Application No.MA51C5009509919 dated 07.02.2019, atleast within a period of three weeks from the date of receipt of copy of this order.

6. Accordingly, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

vr/ssr

To

1.The State rep. by
The Inspector of Police,
H-6 R.K.Nagar Police Station,
Chennai 600 021.

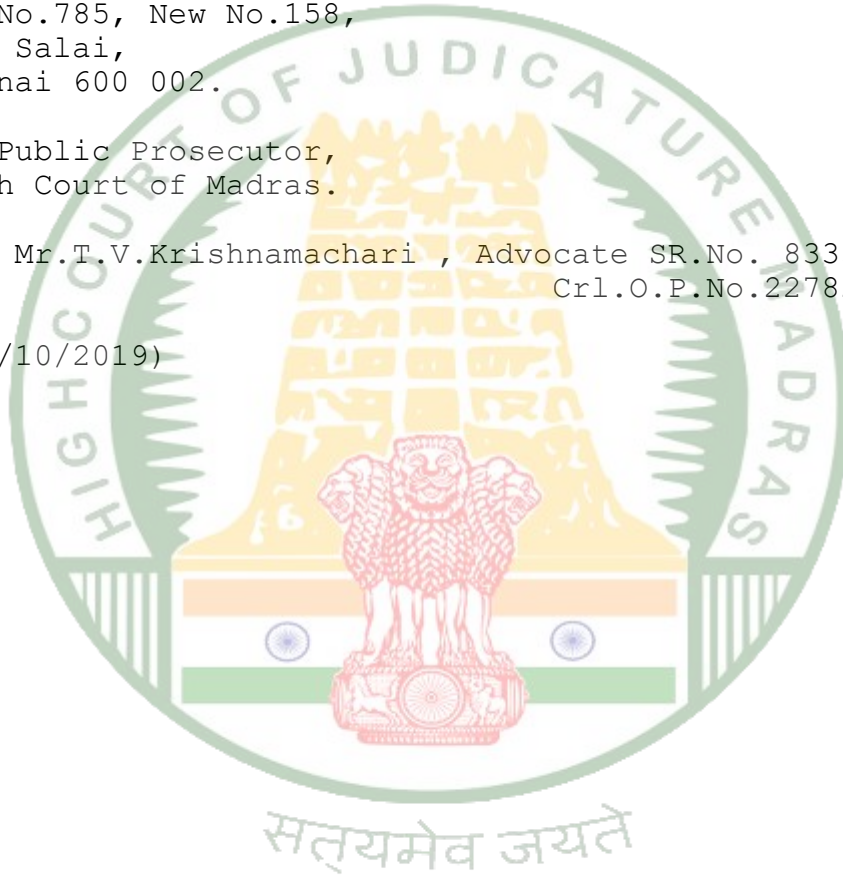
2.The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Rayala Towers No.2 and 3, 4th Floor,
Old No.785, New No.158,
Anna Salai,
Chennai 600 002.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.T.V.Krishnamachari , Advocate SR.No. 83332
Crl.O.P.No.22782 of 2019

kk

A.SK(18/10/2019)



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