



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2019

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CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.(MD)No.2040 of 2019

Mohamed Shirajudeen Sheriff ... Petitioner
/Vs./

1.The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram District.

2.The Inspector of Police,
Keelakarai Police Station, Keelakarai.

3.The Passport Officer,
Bharathi Ula Street,
Race Course Road, Madurai.

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the second respondent to issue a police clearance report to the third respondent without influencing Cr.Nos.68 of 2016 and 183 of 2017 on the file of the 2nd respondent and consequently direct the respondents not to restrain the petitioner from travelling abroad.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents 1&2 : Mr.V.Neelkandan

Additional Public Prosecutor

For R3 :M/s.S.Ragaventhre CGSC

ORDER

The petitioner was accused of offence in S.T.C.No.229 of 2009. It was pending for considerable time and on 12.08.2016, the learned Magistrate closed the same under Section 258 Cr.P.C., as the witnesses did not turn up. Subsequent to the disposal of S.T.C.No.229 of 2009, the police have registered two cases in Crime No.68 of 2016 and 183 of 2017 respectively under Sections 107 and 110 Cr.P.C.

2. The learned counsel appearing for the petitioner submitted that action under Sections 107 and 110 Cr.P.C., fall within the domain of the Executive Magistrate and not the police. It is based on those two complaints, the passport officer has now issued notices show cause as to why his passport should not be impounded.



3. The learned counsel appearing for the third respondent filed his counter and submitted that they are awaiting information from the police to take a decision in the matter.

4. The learned Additional Public Prosecutor submitted that the petitioner is a history sheeter and hence request was made to the passport authority to impound the passport.

5. Inasmuch as there are atleast two show cause notices were sent, the petitioner is now required to show cause to whatever notices that have been issued by the third respondent with all the supporting materials to the third respondent and the third respondent is also directed to consider only such materials that are legally permissible for him to act upon on which he gives his show cause and take a final decision in the matter within a period of one week from today.

6. In the meanwhile, the second respondent is also directed to provide all necessary materials essential for the third respondent to take a final decision within a period of one week from today. If any material is disclosed, the third respondent would give an opportunity to the petitioner to respond to the same. The entire exercise should be completed within a period of four weeks. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram District.
2. The Inspector of Police,
Keelakarai Police Station, Keelakarai.
3. The Passport Officer,
Bharathi Ula Street, Race Course Road, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



+1 CC to M/s.RM.ARUN SWAMINATHAN, Advocate (SR-52507[F] dated 08/03/2019)

+1 CC to M/s.S.RAGAVENTREE, Advocate (SR-52681[F] dated 08/03/2019)

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