



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 845 of 2019 and

W.M.P. (MD) Nos. 671 to 673 of 2019

Sundaravel Ramesh

... Petitioner

Vs.

1. The Passport Officer,
Passport Office,
Ministry of External Affairs,
Tiruchirappalli.
2. The Superintendent of Police,
Thanjavur District,
Thanjavur.
3. The Inspector of Police,
West Police Station,
Thanjavur,
Thanjavur District.
(Crime No.40 of 2014)
4. B.Senthilkumar
(R-4 is impleaded vide order
dated 19.03.2019 in
W.M.P. (MD) No.1245 of 2019)

... Respondents

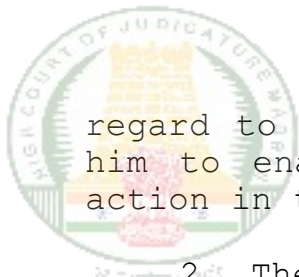
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent in his proceedings in F.No.SGPS80676214(Legal) dated 18.12.2018 and quash the same and consequently direct the first respondent to return the original passport of the petitioner in Passport No.Z 2366280 to him within the period stipulated by this Court.

For Petitioner : M/s.N.Sathish Babu

For R-1 : Mr.S.Jeyasingh
For R-2 & R-3 : Mr.M.Karuppasamy,
Government Advocate.
For R-4 : Mr.G.Anbu Saravanan

O R D E R

The petitioner questions the proceedings dated 18.12.2018 issued by the first respondent. It is seen therefrom that the petitioner has been called upon to furnish his explanation with



regard to the present status of the criminal cases pending against him to enable the first respondent to take further necessary action in the matter.

2. The petitioner's counsel states that he had already given his explanation on 07.01.2019. It is for the first respondent to consider the petitioner's explanation and pass orders in accordance with law.

3. Against the petitioner, Look Out Circulars were issued. The petitioner was arrested, when he came down to India and landed in Trichy Airport. After arresting, the Inspector of Police seized the petitioner's passport and through the Superintendent of Police, transmitted to the passport officer. It is presently in the custody of the passport officer. The petitioner wants this Court to direct the passport officer to return the said passport to the petitioner.

4. The learned counsel appearing for the petitioner submitted that he wants the said passport for two reasons. Reason No.1 is that he is in urgent need of reporting to his employer. The employer has given a deadline by 20.03.2019. The second reason which the petitioner has given is that he has to comply with the direction of the High Court in Crl.O.P.(MD)No.553 of 2014 dated 04.05.2017. Unless the first respondent is directed to hand over the original passport to the petitioner, the petitioner cannot comply with the direction given by the High Court in Crl.O.P.(MD)No.553 of 2014. The High Court in the said order held as follows:-

"3. Taking into consideration the fact that the investigation has been completed and a charge sheet has been filed, this Court directs the respondent police to withdraw the Look Out Circular issued against the petitioner within a period of two weeks from the date of receipt of a copy of this order and thereafter, the petitioner shall surrender before the learned Judicial Magistrate (*) No.II, Thanjavur in P.R.C. No.17 of 2014 and deposit his passport before the learned Magistrate. If warrant is pending against the petitioner, the same may be recalled by the Magistrate. After committal proceedings are over, the Judicial Magistrate (*) No.II, Thanjavur shall send the petitioner's passport to the Sessions Court. As and when the petitioner wants to go abroad, he shall take the permission of the Sessions Court/Trial Court, which Court will decide the request on merits."

The said order was subsequently modified on 26.09.2018 as follows:-

"4. Taking note of the facts and circumstances of the case, this Court modifies the order dated 04.05.2017 passed in Crl.O.P.(MD)

353 of 2014 with the following terms:

i) As directed by this Court, the first



respondent has withdrawn the Look Out Circular issued against the petitioner in C.No.C1/15288/20123, dated 18.04.2013.

ii) The petitioner shall surrender before the learned Judicial Magistrate No.II, Thanjavur, in P.R.C.No.17 of 2014 and deposit his passport before the learned Magistrate on or before 07.12.2018, if he fails to surrender before the said date, this order shall stand automatically revoked.

iii) After surrender of the petitioner, the learned Judicial Magistrate No.II, Thanjavur, shall complete the committal proceedings in P.R.C.17 of 2014 on or before 21.12.2018.

iv) All other conditions in the said order shall remain intact."

5. The learned counsel appearing for the Writ petitioner states that after the passport is handed over to him, he would immediately report to his employer and thereafter, return to India within a period of three weeks. The learned counsel appearing for the petitioner also undertakes that even before departing from India, he would execute a special Vakalath in favour of Thiru.D.Chandrasekar, Advocate, Thanjavur, who would represent him in the criminal proceedings.

6. Recording the said undertaking, this Writ petition stands partly allowed. The first respondent is directed to hand over the passport to the petitioner, forthwith. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar(CS II)

To

1. The Passport Officer,
Passport Office,
Ministry of External Affairs,
Tiruchirappalli.



2. The Superintendent of Police,
Thanjavur District,
Thanjavur.

3. The Inspector of Police,
West Police Station,
Thanjavur,
Thanjavur District.

1 CC to M/s.S.JEYASINGH, Advocate (SR-55261[F] dated 20/03/2019)

+1 CC to M/s.SPL GP (SR-55300[F] dated 20/03/2019)

+1 CC to M/s.N.SATHISH BABU, Advocate (SR-55194[F]) dated
20/03/2019)

+1 CC to M/s.G.ANBUSARAVANAN, Advocate (SR-55181[F] dated
20/03/2019)

W.P.(MD)No.845 of 2019 and
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19.03.2019

DS/ /SAR- (20.03.2019) 4 P 8C