

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.4820 of 2020

IN CRL OP.19569/2019

DEVIKA RANI

[PETITIONER]

Vs

1 THE PASSPORT OFFICER [RESPONDENTS]
REGIONAL PASSPORT OFFICE,
1ST CORPORATION COMMERCIAL COMPLEX,
AVINASHI ROAD, COIMBATORE-641018.

2 THE INSPECTOR OF POLICE,
B6, PEELAMEDU POLICE STATION,
274, AVINASHI-COIMBATORE ROAD,
PEELAMEDU, COIMBATORE-641004.

3 THE INSPECTOR OF POLICE,
W.35, ALL WOMEN POLICE STATION,
WEST TAMBARAM, CHENNAI-45.

4 ABIRAMI CHAKRAVARTHI

Petition praying that in the circumstances stated therein the High Court will be pleased to direct the 1st respondent to renew the petitioner's Passport bearing No.Z5427770 for a period of 2 years pending disposal of the above Crl.O.P.No.19569 of 2019.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S SUNDERMOHAN Advocate for M/S. K.R.RAMESH KUMAR, Advocate for the petitioner and of M/S S.V.JAYAKUMAR CGSC FOR R1 AND M/S.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR FOR R2 & R3 AND M/S R.KISHORE KUMAR FOR R2 IN CRL.O.P.No.920/19 & CRL.OP.NO.924/19 on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition has been filed praying for an interim direction to direct the 1st respondent to renew the petitioner's passport bearing No.Z5427770 for a period of 2 years pending disposal of the above Crl.O.P.No.19569 of 2019.

2.Heard Mr.Sundermohan and Mr.A.Nagarajan, learned Counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents 2 and 3.

3.It is seen from the records that in the above Criminal Original Petition by order dated 07.08.2019, this Court has directed the first respondent to renew the passport of the petitioner for a period of one year and posted the matter for final hearing along with connected Crl.O.P.Nos.920 and 921 of 2019 which have been filed to call for the records in C.C.No.91 of 2018, in which the petitioner has been arrayed as accused, pending on the file of Judicial Magistrate, Tambaram, and quash the same. It is also seen that this Court has stayed the proceedings in C.C.No.91 of 2018 and hence, there is no progress in the case before the trial Court. In the meanwhile, since, the period of renewal of the passport of the petitioner has expired, the present petition has been filed seeking a direction to the 1st respondent to renew the petitioner's passport for a period of two years pending disposal of the above Criminal Original Petition.

4.The learned Counsel appearing for the Petitioner submitted that this Court, in the petition filed by the co-accused in C.C.No.91 of 2018, has directed the Passport Officer, who is the first respondent herein to renew the passport of the co-accused for a period of one year and has produced the copy of the order in Crl.O.P.No.12255 of 2020 dated 11.09.2020 and seeks for allowing this petition.

5.It is evident from the counter affidavit filed on behalf of the Passport Officer that as per gazette notification of Govt. of India, GSR 570 (E) dated 25.08.1993, an applicant can submit the permission of the concerned Court with an undertaking as per GSR 570(E), to the Passport Issuing Authority for issue of restricted validity passport and the relevant paragraphs are extracted as follows:

"4.I humbly submit that as per the Section 6(2)(f) of the Passport Act, 1967 "Subject to the Provision of this Act, The Passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause-C of sub-section (2) of section 5 and on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India". At the same time, as per gazette notification of Govt.of India, GSR 570 (E) dated 25.08.1993, an applicant can submit the permission of the concerned Court with an undertaking as per GSR 570(E),to the Passport Issuing Authority for issue of restricted validity passport.

5.It is also submitted that the Circular dated 21.08.2014 in its proceedings No.V.1/1401/1/3/2014is an internal circular wherein it is clearly stated in para 2 of the circular"

"An applicant is required to submit permission of the concerned Court as well as an undertaking in writing on plain paper as provided at para 1 (d) of GSR 570 (E)."

6.In view of the above facts and circumstances, this Court directs the Passport Officer, the first respondent herein to renew the passport of the petitioner for a period of one year after completing the necessary formalities if any.

7. With the above observations, this Petition is disposed of. Post the Crl.O.P.No.19569 of 2019 along with Crl.O.P.Nos.920 & 921 of 2019 on 10.11.2020.

-sd/-

15/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE PASSPORT OFFICER
REGIONAL PASSPORT OFFICE,
1ST CORPORATION COMMERCIAL COMPLEX,
AVINASHI ROAD, COIMBATORE-641018.

5 THE INSPECTOR OF POLICE,
B6, PEELAMEDU POLICE STATION,
274, AVINASHI-COIMBATORE ROAD,
PEELAMEDU, COIMBATORE-641004.

6 THE INSPECTOR OF POLICE,
W.35, ALL WOMEN POLICE STATION,
WEST TAMBARAM, CHENNAI-45.

C.C. to M/S. K.R.RAMESH KUMAR Advocate on payment of necessary charges SR.6940

Order
in
CRL MP.4820/2020
in
CRL OP.19569/2019

Date :15/10/2020

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RVR 16/10/2020