



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P. (MD)No.14817 of 2018

and

W.M.P. (MD)No.13363 of 2018

Arumugam @ Siva Arumugam

... Petitioner

-VS-

1.The Regional Passport Officer,
Passport Seva Kendra, Madurai.

2.The Inspector of Police,
Civil Supply Crime Investigation Department,
CSCID, Madurai.
(Crime No.46/2008)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to issue passport to the petitioner pending in File No.MD1070308480917 without referring to the pending criminal case in C.C.No.38 of 2010 on the file of Judicial Magistrate-III, Madurai.

For Petitioner	: Mr.C.Jegannathan for M/s.Veera Associates
For Respondent 1	: Mr.K.Prabhu Central Government Standing Counsel
For Respondent 2	: Mr.K.P.Krishnadoss Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent herein to issue passport to the petitioner pending in File No.MD1070308480917 without referring to the pending criminal case in C.C.No.38 of 2010 on the file of Judicial Magistrate-III, Madurai.

2.Heard the learned Counsel appearing for the petitioner, Mr.K.Prabhu, learned Central Government Standing Counsel appearing for the first respondent and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the second respondent.



3.The learned Counsel appearing for the petitioner would submit that the petitioner is a Dealer of Maruti Suzuki India Ltd., and he is holding the post of Managing Director in the said company. On a confession statement given by an accused, a false case was foisted against the petitioner in Crime No.646 of 2018 alleging that PDS rice was transported to the mill owned by the petitioner by name Siva Modern Rice Mill. The District Revenue Officer conducted an investigation and found that the petitioner was falsely implicated in the criminal case and there was no incriminating material against the petitioner to proceed under the Essential Commodities Act vide proceedings dated 31.07.2009. Thereafter, as the existing passport of the petitioner expired on 21.06.2010, he made an application before the first respondent during November, 2016 for its renewal. While processing the petitioner's application in File No.MD1070308480917, the first respondent called for objection from the second respondent police and the second respondent has erroneously communicated to the first respondent that a criminal case is pending in C.C.No.38 of 2010 on the file of Judicial Magistrate-III, Madurai. The petitioner also filed CrI.O.P.(MD)No.9435 of 2018 challenging the final report and charges made against him in C.C.No.38 of 2010 wherein this Court has passed an order of interim stay on 21.06.2018 staying the proceedings of the criminal case. It is further submitted that on 05.03.2020, the petitioner has been acquitted from the criminal case in C.C.No.38 of 2010 by the Judicial Magistrate No.III, Madurai and that there is no hindrance for the first respondent to issue passport to the petitioner.

4.The learned Central Government Standing Counsel appearing for the first respondent would submit that on production of a copy of the order passed by the Judicial Magistrate No.III, Madurai, acquitting the petitioner, the first respondent will consider issuance of passport to the petitioner.

5.Since it is represented by the petitioner that he has been acquitted from the criminal case as early as on 05.03.2020, he is directed to produce a copy of the order passed in C.C.No.38 of 2010 by Judicial Magistrate-III, Madurai, within a period of 30 days from the date of receipt of a copy of this order and on such production, the first respondent shall scrutinize the said order and upon satisfaction, shall issue passport to the petitioner within 60 days thereafter subject to the following conditions:

“(i) Whenever the petitioner travels abroad, he shall submit his tour plan/schedule before the Passport Authority, four days prior to his departure together with his contact number and e-mail address.



(ii) The petitioner shall furnish the self-attested copies of the travel documents viz. Visa, Air Ticket, etc., relating to his journey before the Passport Authority,

(iii) The petitioner shall also furnish his full address of stay abroad, contact telephone numbers, fax number, e-mail address, etc., to the respondent.

(iv) The petitioner, on his return to India, shall intimate the same to respondent and produce the self-attested copy of all pages of the passport within two working days of his returning India.

(v) In case he travels abroad, without any intimation as per the conditions mentioned supra, it is open to the Passport Authority either to cancel or not to renew the passport in future.

(vi) The Passport Authority must ensure that there is an endorsement in the passport that the passport has been issued pursuant to the orders of this Court and in case, the Passport/Airport Authorities require a copy of the order, it should be produced by the petitioner to them so that they can verify the genuineness of the travel and the said endorsement should be made in all his renewed passports in future.

(vii) The passport authority shall keep a separate record in regard to this petitioner so that genuineness of his travel and other relevant details shall be ascertained as and when required.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The Regional Passport Officer,
Passport Seva Kendra,

Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Civil Supply Crime Investigation Department,
CSCID, Madurai.

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+1 CC to Mr.VEERA ASSOCIATES, Advocate SR.No. 23188
+1 CC to Mr. Special Government Pleader, SR.No. 23135

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SMV (CO)
TR(10.02.2021) 4P 5C