

Crl.M.P.No.7177 of 2021
in
Crl.O.P.No.12255 of 2020

M.NIRMAL KUMAR., J.

This Criminal Miscellaneous Petition is filed seeking a direction to direct the first respondent to renew the petitioner's Passport bearing No.U0207288 for a period of three years or any other period as directed by this Court by extending the time granted in Crl.O.P.No.12255 of 2020, order dated 11.09.2020.

2.The petitioner submits that his passport expired on 16.09.2020 and he had made online application which was kept pending for the reason that the renewal would not be considered, unless an order is obtained from the court. Thereafter, the petitioner had approached this Court in Crl.O.P.No.12255 of 2020 and this Court had given direction to the authority to renew the petitioner's passport. By order dated 11.09.2020 the petitioner's passport has been renewed upto 26.09.2021. Thereafter, the petitioner has now sent online application for renewing his passport on 18.07.2021, before the date of expiry, but the application could not be considered and kept pending, for want of court's order. In view of the same, the present petition is filed.

3.The learned Government Advocate (crl.side) appearing for the first to third respondents submitted that, in this case, based on the complaint of the de-facto complainant/Abirami Chakravarthi a case in Crime No.17 of 2017 was registered, investigation conducted, charge sheet filed and the same was taken on file in C.C.No.91 of 2018 before the learned Judicial Magistrate, Tambaram, for the offence under Section 498(A), 406 and 506(I) of IPC., Immediately, after filing of charge sheet, the petitioner approached this Court as well as appropriate Court. The petitioner's mother along with A1, approached this court in Crl.O.P.No.920 of 2019 and the petitioner filed Crl.O.P.No.924 of 2019 and obtained an interim stay, hence, it was pending before the lower court. In the meanwhile look out circular was issued against the petitioners, in which, the petitioners had obtained interim stay of the lookout circular and for further renewal of passport, he approached this Court in Crl.O.P.No.12255 of 2020, and this court granted permission for renewal of the passport for a period of one year. The mother of the petitioner had already availed similar permission for renewing her passport for further period, by citing the direction passed in Crl.O.P.No.19569 of 2019, order dated 15.10.2020. The petitioner's passport can be renewed with some condition that the petitioner, using the renewal, cannot go to abroad at the time of hearing of

the case as he may be absent before the trial court and it will prolong the trial. Hence, he opposed.

4.Learned counsel appearing for the de-facto complainant/ fourth respondent submitted that the petitioner as well as the brother and mother are arrayed as A1 to A3 in C.C.No.91 of 2018. They have moved a quash petition before this court in Crl.O.P.No.920 & 924 of 2019 and this Court granted inriem stay for all proceedings for a period of 8 weeks and further the presence of the petitioner has been dispensed with till the disposal of this criminal original petition. The petitioners taking the advantage of the same, have been successfully delaying the trial. The Crl.O.P.No.920 & 924 of 2019 is yet to be listed, though periodically inriem stay order was extended. The accused in C.C.No. 91 of 2018 showing no inclination to take up the case for hearing before the Judicial Magistrate, Tambaram. Further, he submitted that the de-facto complainant has no objection for renewal of passport. The only contention is that the petitioner and the other accused have to co-operate with the disposal of the C.C.No.91 of 2018 and Crl.O.P No.920 & 924 of 2019.

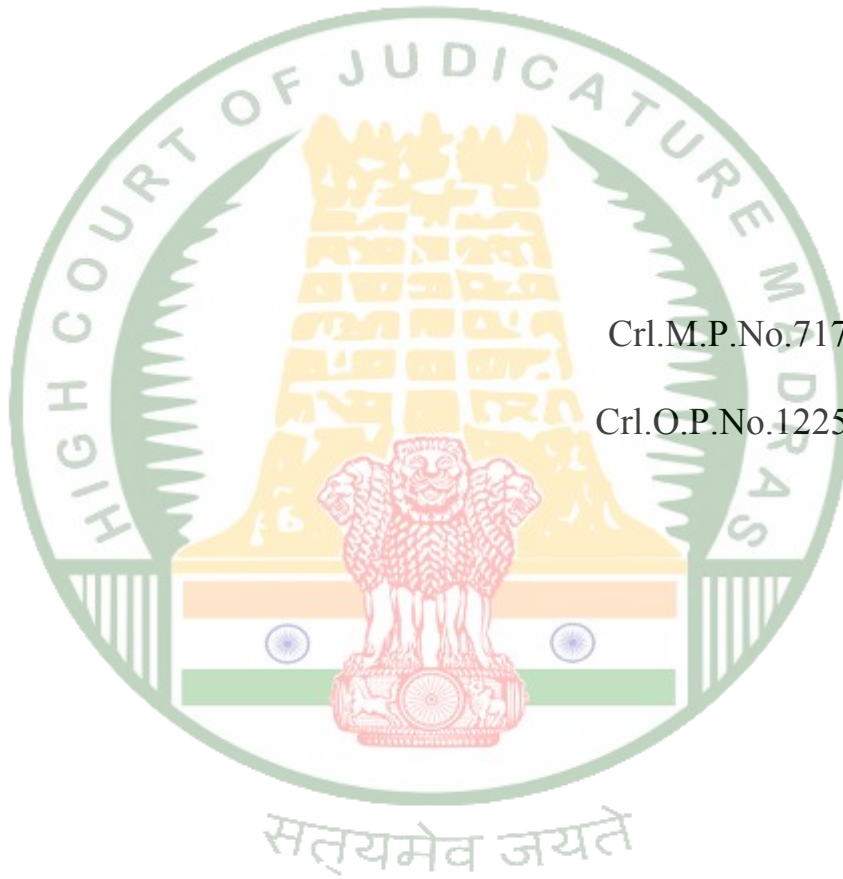
5.This Court finds that for renewal of passport, this Court already granted permission to the petitioner, hence, this court is inclined to give a direction to the first respondent/the passport authority to renew the passport of the petitioner for a period of one year. It is seen that Crl.O.P.No.920 & 924 of 2019 have been filed to quash the criminal proceedings registered against them. The petitioner and other accused in C.C.No.91 of 2019, have also filed Crl.O.P.No.11928 of 2019, challenging the issuance of look out circular. Therefore, it would be appropriate if all the three criminal original petitions are posted for final hearing before the roaster bench, after getting necessary orders from the Hon'ble Chief Justice.

6.With the above observations and directions, this criminal miscellaneous petition is disposed of.

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