



Crl.O.P.No.22313 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.22313 of 2022

Periyasamy

... Petitioner

Vs.

The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
(Crime No.1053 of 2020)

... Respondent

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the connected records made in Cr.M.P.No.1841 of 2022 in C.C.No.89 of 2021 dated 26.08.2022 passed by the Judicial Magistrate, Thittagudi and set aside the same as illegal.

For Petitioner ... Mr. M. Velmurugan

For Respondent ... Mr. E. Raj Thilak,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed challenging the impugned order passed in CMP.No.1841 of 2022 in C.C.No.89 of 2021.

2. Learned counsel appearing for the petitioner submitted that the petitioner is the third accused in C.C.No.89 of 2021 on the file of Judicial Magistrate, Thittagudi.

3. Further, he submitted that the petitioner already got a passport bearing No. J-8533886 under the provision of Passport Act, 1967, which is expired on 02.11.2021. Hence, he filed an application for renewal of passport on 26.11.2021, for that purpose, the Passport Authority seeking no objection certificate. In police verification, it was revealed that a criminal case is pending against the petitioner. Hence, the petitioner filed an application in Crl.M.P.No.1841 of 2022 in C.C.No.89 of 2021 before the trial Court for receiving no objection certificate for renewing the passport



and the same was dismissed by the trial Court. He further submitted that the petitioner is ready to obey any conditions imposed by the Court and seeking to issue no objection certificate for renewing of passport. Hence, the present petition has been filed.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that in this case, the petitioner is 3rd accused and the case is pending for trial. If he is permitted to renew the passport, he will be gone to abroad and the trial will be affected.

5. I have Considered the rival submissions made on either side.

6. On perusal of the records, it is seen that the petitioner is arrayed as A3 in C.C.No.89 of 2021 on the file of Judicial Magistrate, Tittagudi. Admittedly, the petitioner is having passport bearing No.J8533886, it was expired on 02.11.2021 and he filed an application for renewal of passport on 26.11.2021, for that purpose, the Passport Authority sought police verification, in that police verification, it was revealed that a



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criminal case is pending against the petitioner. Hence, the Passport Authority seeking no objection certificate from the concerned Court for renewing the passport. Therefore, he filed Crl.M.P.No.1841 of 2022 in C.C.No.89 of 2021 that was dismissed by the trial Court.

7. Admittedly, there is a case pending against the petitioner in C.C.No.89 of 2021 on the file of Judicial Magistrate, Tittagudi. The petitioner is ready to give undertaking to appear before the Court and participate in the trial proceedings. Even, the passport is renewed, if he wants to go to abroad, no objection certificate is required for issuing visa, from the concerned police. At that time it may be considered whether he may be permitted to go abroad or not. At the stage, for renewing the passport by citing criminal case, his request need not be rejected. Therefore, the impugned order in CMP.No.1841 of 2022 in C.C.No.89 of 2021 is hereby set aside and the Judicial Magistrate, Tittagudi is hereby directed to issue no objection certificate to the petitioner for the purpose of renewing his passport bearing No.J-8533886.



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WEB COPY 8. With this above direction, the Criminal Original Petition is allowed. The petitioner is directed to give undertaking before the trial Court that he will appear before the Court for all the hearing and cooperate for the completion of the trial.

27.10.2022

AT

Index : Yes/No



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V.SIVAGNANAM ,J.

AT

To

1.The Judicial Magistrate, Thittagudi.

2.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras.

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