



Crl.R.C.No.59 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.59 of 2023

Gunasekaran

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Chennai,
Tamil Nadu.

2.State rep. by
The Station House Officer,
Reddiarpalayam Police Station,
Puducherry.
(Crime No.108/2008)

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the order passed by the III Additional District and Sessions Judge, Puducherry in Crl.M.P.No.2804 of 2022 in S.C.No.83 of 2019 dated 15.12.2022.



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For Petitioner : Mr.G.Mohanakrishnan
For R1 : Mr.S.Janarthan, Standing Counsel
For R2 : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned III Additional District and Sessions Judge, Puducherry in Crl.M.P.No.2804 of 2022 in S.C.No.83 of 2019 dated 15.12.2022.

2. The case of the prosecution is that the petitioner is one of the accused in S.C.No.83 of 2019. Pending trial, the petitioner has filed a petition before the Trial Court under Section 5 of Passports Act, 1967, for issuance of No Objection Certificate to him to obtain and use his passport bearing Passport No.V7656259 dated 10.03.2022.

3. The Trial Court, after considering the facts and circumstances of the case and nature of offence committed by the accused, has dismissed the



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petition on the ground that if the petition is allowed for issuance of No Objection Certificate to obtain passport, he may go abroad and stay there forever and may not be available for the completion of trial.

4. Aggrieved by the above said order of the Trial Court, the petitioner herein has filed the present Criminal Revision Case.

5. The contention of the learned counsel appearing for the petitioner is that the petitioner is an accused in S.C.No.83 of 2019 on the file of the III Additional District and Sessions Judge, Puducherry. The petitioner already have the passport bearing No.K5046085, expiry dated 15.08.2022. Hence, he filed an application for renewal of passport on 09.03.2022 and subsequently, the petitioner received his reissued passport bearing No.V7656259 dated 10.03.2022. Thereafter, he received a letter dated 02.06.2022 seeking clarification with regard to pending of cases against this petitioner. Therefore, the passport was not renewed. In these circumstances, the petitioner has filed a petition before the Trial Court seeking to issue No Objection Certificate to the petitioner for obtaining the



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passport and the same was dismissed. Hence, the present revision petition.

6. The learned Public Prosecutor (Puducherry) appearing for the 2nd respondent submitted that the petitioner is also having other criminal cases and further in this case, some of the accused have not appeared before the Trial Court. For want of their appearance, charges are not framed and there is no progress in this case. Therefore, he vehemently opposed to allow the petition.

7. On a perusal of the records, it reveals that the petitioner is an accused in S.C.No.83 of 2019, on the file of the III Additional District and Sessions Judge, Puducherry. The petitioner filed an application for renewal of his passport bearing No. V7656259 dated 10.03.2022. The petitioner sought No Objection Certificate for renewal of his passport and permission from the passport authority for travelling abroad before the Trial Court. Before this Court, the learned counsel for the petitioner restricted his relief with regard to NOC for renewal of passport.

8. Considering the submission of the learned counsel for the



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petitioner, who seeks NOC only for renewal of passport and ready to cooperate with the case before the Trial Court, the order of the Trial Court is hereby set aside with regard to renewal of passport alone and the Trial Court is directed to issue NOC for renewal of passport bearing No.V7656259 dated 10.03.2022.

9. With the above direction, this Criminal Revision Case is allowed.

28.03.2023

Index: Yes/No
Internet: Yes/No
rpl

To

1.The Regional Passport Officer,
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Reddiyarpalayam Police Station,
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V.SIVAGNANAM, J.,

rpl

3. The Public Prosecutor (Puducherry),
Madras High Court,
Chennai.

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