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Crl.O.P.No.1539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1539 of 2023

Martin

... Petitioner

/vs/

1. The State Rep. By,
Inspector of Police,
Karumathampatti Police Station,
Coimbatore – 641 659.

2. The Passport Officer,
Regional Passport Office.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the 2nd respondent to renew the petitioner's passport vide Passport Application No.CB107346495721 for 5 years and to travel abroad.

For Petitioner

... Mr.A.S.Aswin Prasanna

For R1

... Mr.S.Santhosh
Government Advocate (crl.side)

For R2

... Mr.K.S.Jayaganeshan
Senior Panel Counsel



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to renew the petitioner's passport vide Passport Application No.CB107346495721 for 5 years and to travel abroad.

2. The learned counsel for the petitioner submitted that as per the notification of Ministry of External Affairs vide GSR 570(E) dated 25.08.1993 that if criminal case is pending against any person, that person must obtain permission from the concerned Court with regard to renewal of passport. Accordingly, the petitioner filed a petition in C.C.No. 611 of 2013 before the learned Judicial Magistrate No.2, Coimbatore seeking permission for renewal of passport for five years and to travel abroad. The said petition was returned with an endorsement directing the petitioner to file a petition before the concerned Court. Therefore, petitioner filed a similar petition before the Judicial Magistrate, Sulur in C.C.No.611 of 2013. The learned Judicial Magistrate, Sulur returned the said petition stating that the Court was constituted only in the year 2017 and no such case records in C.C.No.611 of 2013 is available. Under such circumstances, the present petition is filed.



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3. The learned Government Advocate (Crl. Side) submitted that the Judicial Magistrate, Sulur was constituted only in the year 2017. The case pertaining to Crime No.79 of 2012 ie., C.C.No.611 of 2013 was ordered to be transferred from Judicial Magistrate Sulur to Judicial Magistrate II, Coimbatore. However, the case records are not transferred from Judicial Magistrate, Sulur to Judicial Magistrate II, Coimbatore.

4. Mr. K.S.Jeyaganeshan, learned Senior Panel Counsel appearing for the 2nd respondent submitted that the petitioner has to comply with the notification of Ministry of External Affairs vide GSR 570(E) dated 25.08.1993 for renewal of the passport in view of the pendency of the criminal case.

5. It is seen from the notification that the petitioner has to necessarily obtain permission from the concerned Court where criminal case is pending against him with regard to renewal of passport. The case in crime No. 79 of 2012 ie., C.C.No.611 of 2013 was ordered to be transferred from Magistrate, Sulur to Judicial Magistrate II, Coimbatore. It is reported by the the learned Government Advocate (Crl. Side) that till now case records are not received by Judicial Magistrate, Sulur.



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6. In the said circumstances, this Court directs the Judicial Magistrate II, Coimbatore to ensure that the case in crime No. 79 of 2012 ie., C.C.No.611 of 2013 is transferred to Judicial Magistrate, Sulur within two weeks from the date of receipt of copy of this order. On receipt of records, the learned Judicial Magistrate, Sulur is directed to entertain the application filed the petitioner and pass appropriate orders. The Chief Judicial Magistrate, Coimbatore is directed to monitor the transfer case from Judicial Magistrate II, Coimbatore to Judicial Magistrate, Sulur.

7. With the above observations and directions, this Criminal Original Petition is disposed of.

25.01.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

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1. Inspector of Police,
Karumathampatti Police Station,
Coimbatore – 641 659.
2. The Passport Officer,
Regional Passport Office.
3. The Judicial Magistrate,
Sulur.
4. The Judicial Magistrate II,
Coimbatore.
5. The Chief Judicial Magistrate,
Coimbatore.
6. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN, J.

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