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Crl.O.P.No.11608 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11608 of 2023

Rosary Jecinta

.. Petitioner

VS

1.State Rep. By

The Inspector of Police, EDF-I, Team-I,
Central Crime Branch,
Egmore, Chennai.

2.The Regional Passport Officer,

Royal Towers,
No.2 and 3, 4th Floor,
Old No.785, New No.158,
Anna salai, Chennai 600 002.

.. Respondents

Prayer : Petition filed under Section 482 of Cr.P.C to call for the records order in Crl.M.P.No.16061 of 2023 in CNR No.TNCH0F-022882-2023 in C.C.No. 3022/2017 dated 09.05.2023 concerned in Crime No.54/2009 on the file of The Inspector of Police, EDF Team 1, C.C.B., Chennai and set aside the same and issue direction to the second respondent to renew the passport of the petitioner bearing No. U 2678274.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed by the petitioner seeking a direction to set aside the order in Crl.M.P.No.16061 of 2023 in CNR No.TNCH0F-022882-2023 in C.C.No. 3022/2017 dated 09.05.2023 with a consequential prayer to direct the second respondent / Regional Passport Officer to renew her passport.

2. Mr.R.Sankarasubbu, learned counsel for the petitioner, submitted that the petitioner is a senior citizen, aged about 68 years, holding the passport No. U 2678274, which expired on 23.09.2022. He further submits that the petitioner's daughter is a citizen of United Kingdom and undergoing treatment for a syndrome relating to recurring miscarriages. Therefore, it is prayed that this Court may issue direction to Regional Passport Officer to renew the passport of the petitioner so as to enable her to travel abroad.

3. Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side), though vehemently opposed for granting any relief, brought to the notice of the Court that the petitioner is arrayed as A2 in Crl.O.P.No.9256 of 2015 and the case is still



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pending. He submitted that the petitioner has initially approached the trial Court for renewal of passport, which was dismissed with the observation that the petitioner, in all probability, flee from this Country. He further submitted that if at all this Court allows this petition, then the concerned learned Magistrate may be given a direction to scrutinize the application to be filed by the petitioner seeking permission to go abroad. Thus, the learned Government Advocate, prays for dismissal of this petition.

4. Heard learned counsel on either side and perused the material records of the case.

5. Considering the facts and circumstances of the case and without going into the merits of the matter, the impugned order dated 09.05.2023 is set aside and this criminal original petition is allowed. Further, this Court directs the second respondent / Regional Passport Officer to renew the passport notwithstanding the pendency of criminal prosecution. Thereafter, it is for the petitioner to approach the concerned Magistrate for appropriate relief.

18.05.2023



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Index:Yes/No

Neutral Citation:Yes/No

ssm

Note to Registry : Issue on 19.05.2023.

A.A.NAKKIRAN,J.

ssm

To

- 1.The Inspector of Police, EDF-I, Team-I,
Central Crime Branch,
Egmore, Chennai.
- 2.The Regional Passport Officer,
Royal Towers,
No.2 and 3, 4th Floor,
Old No.785, New No.158,
Anna salai, Chennai 600 002.
- 3.The Public Prosecutor,
High Court, Madras.

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18.05.2023