



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20531 of 2023

Sankar

... Petitioner

Vs.

The State,
Inspector of Police,
Chengalpattu Police Station,
Chengalpattu.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the docket order passed by the Judicial Magistrate Court-I at Chengalpattu dated 09.08.2023 in unnumbered Crl.M.P.No of 2023 in CC.No.159 of 2021 and set aside the same and consequently direct the Judicial Magistrate Court-I at Chengalpattu to number the petition and dispose of the petition.

For Petitioner : Mr.S.Nirmal Aditya

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

This petition has been filed challenging the docket order passed by the Court below dated 09.08.2023, returning the application filed by the petitioner seeking for No Objection Certificate for renewal of the Passport and for travelling abroad.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.Whenever a case is pending before the trial Court, the renewal of passport or permission to travel abroad are matters which have to be dealt with only by the trial court. The same is clear from the Official Memorandum that has been issued by the Ministry of External Affairs dated 10.10.2019. This court has also repeatedly held that such plea can be entertained only by the trial court and not by this court in exercise of its jurisdiction under Section 482 of Cr.P.C.

4.In the light of the above discussion, there shall be a direction to the petitioner to re-present the application before the court below and the Court below shall entertain the application and deal with the same on its own merits and in



accordance with law and pass orders, within a period of four weeks.

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5.This criminal original petition is disposed of with the above direction.

6.The. Registry is directed to return back the original application that has been filed along with this criminal original petition in order to enable the petitioner to re-present the application before the court below.

08.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
ssr

To

1.The Judicial Magistrate Court-I,
Chengalpattu

2.Inspector of Police,
Chengalpattu Police Station,
Chengalpattu.



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N.ANAND VENKATESH, J

SSI

3.The Public Prosecutor,
High Court, Madras.

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