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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.27885 of 2022

Saminadan

.. Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers Nos.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai,
Chennai – 62.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to renew the petitioner Passport No.J9408589, issued on 15.11.2011, in the light of the orders passed by this Court in Rahul Ravindran Vs. Union of India, reported in 2021(3) CWC 35 and in Jenifer William Vs. The Regional Passport Officer, reported in 2020 (3) MLJ (Cri) 122 (Mad).

For Petitioner

.. Mr.B.Balavijayan

For Respondent

.. Mr.K.Gangadaran,

Central Government Standing Counsel



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ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondent / the Regional Passport Officer, Chennai, to renew the passport of the petitioner bearing No.J9408589, which was originally issued on 15.11.2011 and valid till 14.11.2021.

2.The petitioner had applied for renewal of the said passport by forwarding an application on 02.08.2022. The respondent had called the petitioner to appear in person. In view of the fact that, there were several First Information Reports pending against the petitioner herein, the respondent had taken a decision not to renew the passport.

3.It is contended by the learned counsel for the petitioner that all the First Information Reports were registered consequent to various agitations done during the Covid -19 Pandemic lock down.



4. It is trite in law to point out that registration of a First Information Report against a person does not mean that the person has been convicted of the offence. A person is arrayed as an accused in the First Information Report only on the basis of information received. Consequent to such information received, the Investigation Officer will have to conduct investigation and after conducting investigation, a final report will have to be filed and that final report will have to be taken cognizance by the jurisdictional Magistrate Court and then trial will have to commence and after the trial process, only if conviction is passed by the jurisdictional Magistrate or by any other Sessions Court, can a person whose name is found in the First Information Report be categorized as a convicted person. Till such time, presumption of innocence runs through the criminal jurisprudence of this Country.

5. Therefore, mere registration of a First Information Report cannot be a bar and should not be a bar for either grant of passport or renewal of passport. It is a right of the citizen to hold the passport.



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6.The respondent may therefore issue notice to the petitioner and examine him and also get necessary undertaking that if at all the petitioner wants to go abroad on the basis of the passport, he must get necessary permission from the jurisdictional Magistrate if the criminal case is pending or from the Investigation Officer, if the investigation is pending and thereafter, if the petitioner satisfies other rules and regulations proceed to issue the passport. At any rate, an obligation is on the respondent to renew the passport of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7.With the above observations, this Writ Petition stands allowed. No costs.

20.02.2023

Index:Yes/No
Internet:Yes/No
smv



To

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C.V.KARTHIKEYAN,J.

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