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CrI.O.P.No.22540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :10.10.2023

Pronounced on :16.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.22540 of 2023

F.N.Durai

.. Petitioner

/versus/

1.The Regional Passport Officer,
1st Floor, Corporation Commercial Complex,
Opposite to Thandumariyamman Koil,
Avinasi Road, Coimbatore,
Coimbatore District 641 018.

.. Respondent No.1/3rd Party

2.M/s V.N.S.Spining Mills (India) Pvt.Ltd.,
Represented by its
Authorised Person,
Tirupur.

..Respondent No.2/Complainant

Criminal Original Petition has been filed under Section 482 of Cr.PC to set aside the unnumbered docket order dated 26.08.2023 in S.T.C.No.2687 of 2019 pending on the file of the Fast Track Judicial Magistrate Court, Tirupur.

For Petitioner :Mr.G.Mohanakrishnan

For Respondents :Mr.M.Sathyan (ACGSC) for R1



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ORDER

The petitioner, who is the accused in S.T.C.No.2687 of 2019, a case arising out of the private complaint under Section 138 of the Negotiable Instruments Act, 1881, when sought for No Objection Certificate from the concerned Magistrate to travel abroad, the same was not entertained by the Magistrate stating the petition is not maintainable. Therefore, being aggrieved, the present Criminal Original Petition is filed to direct the Court concerned to issue No Objection Certificate and direct the Regional Passport Office, Coimbatore, to renew the passport No.V6335384, dated 08.04.2022.

2. The learned counsel appearing for the Regional Passport Officer submitted that as per the Notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated 14.04.1976, the citizen should need passport, if facing any criminal prosecution, they should produce No Objection Certificate from the Court concerned permitting him to depart from India from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the Passports Act 1967.



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3. The learned counsel appearing for the Regional Passport Officer submitted that if the criminal Court, where the case is pending issue No Objection Certificate, the Passport Officer may not have any objection for renewal of the passport and are permitting the petitioner to travel abroad. The nature of the case against the petitioner is regarding issuance of cheque without sufficient fund and if the petitioner travel to abroad, it will not affect the course of the trial and there is no impediment for the trial Court to issue No Objection Certificate. The endorsement on the application seeking No Objection Certificate stating that the petition is not maintainable, is not correct.

4. In view of the Notification of the Government of India in the Ministry of External Affairs mentioned above, the petitioner is directed to make a fresh application seeking 'No Objection Certificate' from the Court concerned where the case against the petitioner is pending. On such application, the concerned Magistrate shall consider the application, in the light of the stage and status of the case pending against the petitioner and issue No Objection Certificate, if his physical presence during the hearing date is not required and with condition on what date he should return to India and report.



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5. With the above directions, this Criminal Original Petition is disposed of.

16.10.2023

Index:yes/no

Speaking order/non speaking order
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To:

1.The Fast Track Magistrate Court, Tirupur.

2.1.The Regional Passport Officer,1st Floor, Corporation Commercial Complex,
Opposite to Thandumariyamman Koil, Avinasi Road, Coimbatore,
Coimbatore District 641 018.

3.The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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delivery order made in
CrI.O.P.No.22540 of 2023

16.10.2023