



WEB COPY



W.P.No.35273 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARHIKEYAN

W.P.No.35273 of 2022 and
W.M.P.No.34713 of 2022

R.Chandrasekaran .. Petitioner

vs

1. The Union of India
Ministry of External Affairs
74B South Block, New Delhi
New Delhi.
2. The Regional Passport Officer
Regional Passport Office, Chennai Royala Towers
No.2 and 3, IV Floor
Old No.785, New No.158 Anna Salai
Chennai 600 002.
3. The Inspector of Police
District Crime Branch, Thiruvallur.

[R3 *suo motu* impleaded vide
order dated 03.01.2023 in
W.P.No.35273 of 2022]

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in relation to impugned letter Ref.No.CNO/313919223/22 (File No.MA1074735442122) dated 15.12.2022 quash the same and consequently direct the second respondent to consider the application dated 03.11.2022 for renewal of



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passport bearing G-3382113 issued at Chennai in the office of the second respondent on 06.07.2007 and expired on 05.07.2017 for a shorter period of one year in pursuance to the Office Memorandum No.VI/401/1/5/2019 dated 10.10.2019 and on production undertaking by the petitioner in accordance with law.

For Petitioner : Ms.S.Hemalatha

For Respondents : Mr.B.Rabu Manohar
Central Govt. Standing Counsel
for respondents 1 & 2

Ms.Rajarajeswari
Government Advocate
for respondent 3

ORDER

The writ petition has been filed in the nature of a certiorarified mandamus seeking interference with an order of the second respondent / Regional Passport Officer at Chennai dated 15.12.2022 in order No.MA1074735442122 and consequentially direct the said respondent to consider the application dated 03.11.2022, relating to the passport of the petitioner bearing No.G-3382113, which had expired on 05.07.2017 and reissue or renew the said passport of the petitioner herein.

2. The petitioner is leading a very interesting life. He has acquired an affinity



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to get into the wrong side of the law and his various activities had come to the notice of the third respondent, who had been *suo motu* impleaded by this Court, namely, the Inspector of Police, District Crime Branch, Thiruvallur. The third respondent had occasion to register seven First Information Reports under seven different crime numbers against the petitioner herein. Out of the seven, after investigation, three have been taken cognizance by the learned Judicial Magistrate-I, Thiruvallur and three are under investigation and in one, though final report had been filed, the learned Judicial Magistrate had not taken cognizance of the final report.

3. It is stated by the learned counsel for the petitioner that the petitioner, when he applied for renewal of passport, necessarily had to give the details of the criminal cases, which are pending and in view of the pendency as aforesaid of either the First Information Reports or the calendar cases against the petitioner, the second respondent, in my opinion, has very prudently, refused to give renewal of the passport. However, it must also be stated that though the First Information Reports may be registered on information of cognizable offence, still, consequential to the investigation to the allegations in the First information Reports, final report will have to be filed and that particular final report will have to be taken cognizance by the jurisdictional Magistrate. After that particular fact, the trial process has to



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commence and only when the named accused is convicted, can a person be categorized as a convicted person. Till such time, the presumption of innocence runs through the criminal jurisprudence in this regard.

4. No doubt, the petitioner has several criminal cases registered against him but, still necessary undertakings can be obtained. In the instant case, three calendar cases in C.C.Nos.197, 32 & 33 of 2020 are pending against the petitioner herein before the learned Judicial Magistrate-I, Thiruvallur. Naturally, if the passport officials issue the passport, they would be in an apprehension that the petitioner would cross the boundaries of this Country and try to escape from the clutches of law. For that particular purpose, it is imperative that the petitioner obtains necessary permission from the learned Judicial Magistrate-I, Thiruvallur before he moves abroad, if he ever wants to go abroad. This can be done only if the learned Judicial Magistrate-I, Thiruvallur is aware that the petitioner has applied for the renewal of the passport and the same has not been considered by the second respondent.

5. Therefore, a further direction is given that the petitioner must inform the learned Judicial Magistrate-I, Thiruvallur about the status of the passport No.G-3382113 and if it is renewed by this order, also inform the learned Judicial



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Magistrate-I, Thiruvallur about the time period for which such renewal has been granted and give an undertaking before the learned Judicial Magistrate-I that, if at all he goes abroad, he would do so only after getting necessary permission.

6. Quite independent of that fact, the petitioner must also give similar undertaking before the second respondent / Regional Passport Officer.

7. In view of the above conditions being imposed, let me place a caveat now on the second respondent to issue notice to the petitioner and the petitioner is placed under obligation, on receipt of such notice, to appear before the second respondent. The petitioner may independently give a list of the First Information Reports / calender cases as against him and give further undertaking that he shall not go abroad without getting permission from the learned Judicial Magistrate-I, where ever the calender cases are pending and if the First Information Reports alone are pending, without informing the concerned Investigating Officer.

8. This restraint is required since the cases are registered against the petitioner relating to taking of money, promising land, and there would be many victims who would be affected if the petitioner is freed from the clutches of law. On receipt of



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such undertaking, the respondent, if other facts are in favour of the petitioner and the application is in accordance with rules, may proceed to renew the passport of the petitioner herein for a further period, as deemed fit and necessary.

9. Recording as above, the writ petition stands disposed of. There will be no order as to costs. Consequentially, the connected miscellaneous petition is closed.

Index: Yes/No

02.02.2023

Neutral Citation: Yes/No
drm

Note: Registry is directed to get a copy of this order to the Judicial Magistrate I, Thiruvallur to specific reference to C.C.Nos.197, 32, 33 of 2020, now pending before the said Magistrate Court.

To

1. The Union of India
Ministry of External Affairs
74B South Block, New Delhi
New Delhi.



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C.V.KARHIKEYAN,J.

(drm)

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