



**W.P(MD)No.2164 of 2023**

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD)No.2164 of 2023**

Prakash

... Petitioner

Vs.

1.The Regional Passport Officer  
The Regional Passport Office,  
Tiruchirapalli,  
New Municipal Complex,  
Thillainagar 7th Cross,  
Thiruchirappalli - 620 018.

2.The Assistant Passport Officer,  
The Assistant Passport Office,  
New No.201/7D, Old No. 201/7,  
Medical College Road,  
Thanjavur.

3.The Inspector of Police  
Vallam Police Station,  
Thanjavur District,  
in Crime No.400 of 2013.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 herein to reissue the passport in his favour on the basis of the petitioner application No.23-1000654473, dated 16.01.2023

For Petitioner : Mr.B. Jameel Arasu

For Respondents : Mr.T.Malaiyendran - for R1 & R2

Mr.R.M.Sethuraman - for R3  
Additional Public Prosecutor

### **ORDER**

The petitioner is a holder of passport bearing No.L2559345, which was issued on 05.06.2013. He had applied for the renewal of passport by application No.23-1000654473. The first respondent had stated that there was a FIR in Crime No.400 of 2013 registered by the second respondent/Inspector of Police, Vallam Police Station, Thanjavur District, registered against the petitioner herein and therefore, expressed inability to renew the passport.



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2. The learned Additional Public Prosecutor states that consequent to investigation, final report had been filed and taken cognizance by the Judicial Magistrate No.II, Thanjavur as C.C.No.125 of 2014 and that it is now at the stage of 313 Cr.P.C. questioning.

3. It is to be noted that till a person is actually convicted by any Court, the presumption of innocence runs very strong in criminal jurisprudence. At any rate, this cannot be a reason to deny the renewal of passport to the petitioner herein. The first respondent may therefore, issue notice to the petitioner herein and get an undertaking about the proceedings in C.C.No.125 of 2014 and that if ever he want to go to abroad, he must get permission from the Judicial Magistrate No.II, Thanjavur, where the calendar case is now pending and if it has ended in acquittal, then such obligation is not required. If it is ended in conviction, then, if the petitioner prefers a further appeal, then from that Appellate Court, the petitioner must get permission, if he wants to go abroad. With those conditions, the first respondent may proceed to issue renewal of passport of the petitioner herein. The renewal of passport is to



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be effected within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above observations, the writ petition stands disposed of. No costs.

**10.03.2023**

Index :Yes/No  
Internet :Yes/No  
NCC : Yes / No  
rm



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**C.V.KARTHIKEYAN, J.**

rm

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