



W.P(MD)No.5163 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5163 of 2023

C.Kumaresan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula street,
Race Course Colony,
Madurai - 625 002.

2.The Inspector of Police,
Sattur Police Station,
Virudhunagar District.

(R2 is suo motu impleaded vide
Court order dated 10.03.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the online application No.ARN:22-1013063331 dated 1.11.2022 towards the renewal of passport (No.K8611697) of the petitioner and renew his passport.



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For Petitioner : Mr.M.Ganesan
For R1 : Mr.B.Deepa
Central Government Standing Counsel
For R2 : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of Mandamus seeking a direction to the first respondent / Regional Passport Officer, Madurai, to consider the online application No.ARN:22-1013063331 dated 1.11.2022 filed by the petitioner for renewal of his passport No.K8611697.

2. The petitioner had applied for renewal of his passport. The first respondent, then informed him that a criminal case had been registered against the petitioner herein. In view of that particular fact, the second respondent, Inspector of Police, Sattur Police Station, was *suo motu* impleaded as a further respondent by this Court.



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3. A counter affidavit had been filed by the second respondent, wherein it had been stated that a First Information Report in Crime No.597 of 2020 had been registered against the petitioner for alleged offences under Sections, 147, 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act, 2002. A counter case had also been registered in Crime No.598 of 2020. It had been stated that consequent to investigation, the final report had been filed and taken cognizance by the learned Judicial Magistrate No.2, Sattur as C.C.No.485 of 2022. The Special Government Pleader stated that trial is in progress and witnesses are being examined by the trial Court.

4. At any rate, the presumption of innocence runs deep and strong in criminal jurisprudence in this country. The petitioner, if he is otherwise qualified, is always eligible for renewal of his existing passport. A direction is given to the first respondent to issue notice to the petitioner herein and obtain necessary undertaking. If at all he wants to go abroad during the pendency of the calendar case, then he must obtain necessary permission from the concerned Judicial Magistrate Court. If the petitioner satisfies the other rules and regulations, the first respondent is directed to proceed to renew the passport. The entire exercise must be completed within a period of six weeks from the date of receipt of a copy of this order.



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5. This Writ Petition is disposed of. No costs.

20.04.2023

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

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To

- 1.The Regional Passport Officer, Regional Passport Office,
Bharathi Ula street, Race Course Colony, Madurai - 625 002.
- 2.The Inspector of Police, Sattur Police Station, Virudhunagar District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.



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