

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.5115 of 2023

P.Bala Murugan

... Petitioner

Vs.

1. The Regional Passport Officer,
Claret Plaza Melakal Main Road,
Kochadai,
Madurai - 625 016.

2. The State,
Represented by the Inspector of Police,
Melavalu Police Station,
Madurai.

3. The Inspector of Police,
Kottampatti Police Station,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the communication of the first respondent vide Ref.No.SCN/314361877/2023, dated 01.03.2023 and quash the same and

consequently, directing the first respondent to issue a fresh passport to the petitioner by considering the application dated 21.02.2023, bearing Application No.23-1002306779.

For Petitioner : Mr.K.Mahendran
For Respondent : Mr.R.Senthil Kumar for R1
Mr.R.M.S.Sethu Raman
Addl. Public Prosecutor for R2&R3

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to the first respondent in Ref.No.SCN/314361877/2023, dated 01.03.2023 and set aside the same and direct the first respondent to issue a fresh passport to the petitioner by considering the application, dated 21.02.2023, bearing Application No. 23-1002306779.

2. The petitioner had applied for passport in File No.MD 1072622940119. The passport was issued on 23.10.2020 in Passport No. U 4807576. It will expire on 22.10.2030. The petitioner lost his passport. He then applied for fresh passport on 21.02.2023. It was then informed that a

criminal case has been registered against him. It had been stated that FIR in Crime No.1236 of 2020 had been registered under Section 12 of the Tamil Nadu Gaming Act, 1930 by the second respondent against the petitioner herein.

3. The learned Additional Public Prosecutor stated that after filing a final report, the charge sheet had been taken cognizance by the Jurisdictional Magistrate, Melur, in S.T.C.No.75 of 2021.

4. It is trite to point out that merely because the petitioner is shown as accused, it cannot disentitle him from being granted passport. The petitioner still remains an Indian Citizen. The case is under trial and the presumption of the innocence runs through the criminal jurisdiction of this country. Even if the petitioner is convicted, passport has to be issued to the petitioner herein, if the petitioner is otherwise complies with rules and regulations. A direction is given to the first respondent to issue a fresh passport to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of. There shall be no order as to costs.

20.03.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

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