



W.P(MD)No.7497 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7497 of 2023

M.Bayas

... Petitioner

Vs.

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

2.The Inspector of Police
CBCID,
Lady-Doak College Road,
Chinnachokkikulam,
Madurai - 625 002.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to re-issue the passport to the petitioner based on the petitioner's passport application in File No.MD1075155920923 dated 10.03.2023.



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For Petitioner : Mr.M.Seenisulthan

For Respondents : Mr.N.Muthu Vijayan - for R2
Special Government Pleader

Mr.K.Manikandan - for R1

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction to the first respondent / Regional Passport Officer, Madurai, to reissue the passport bearing No.K8615650 for which, an application to renew had been filed by the petitioner in MD1075155920923 on 10.03.2023.

2. The petitioner is the holder of the passport No.K8615650. It had been issued for a period of 10 years. He then applied to reissue the passport in application No.MD1075155920923 on 10.03.2023. During personal verification, the first respondent raised an objection that FIR in Crime No.2 of 21015 registered by the second respondent, is pending against the petitioner herein.



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3. The learned Special Government Pleader had forwarded to the Court, the written instructions received from the second respondent that consequent to the investigation in aforementioned FIR in Crime No.2 of 2015 a final report had been filed before the Judicial Magistrate No.IV, Madurai, and subsequently committed to the VI Additional District and Sessions Court, Madurai and the same is pending. But however, the petitioner is not arrayed as one of the accused in the final report. This only indicates that the investigation of the FIR in Crime No.2 of 2015 had revealed that the petitioner had not done any act of omission and commission necessitating him to be further arrayed as an accused in the final report.

4. Even otherwise, the presumption of innocence runs through the criminal jurisdiction of this Court and no person can be termed as a convicted accused, till a Court convicts him after following due procedure. Here there is no possibility of such, since the petitioner is not at all an accused before the Trial Court.



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5. In view of the same, the first respondent is directed to proceed further with the aforementioned application of the petitioner and re-issue the passport within a period of four weeks from the date of receipt of a copy of this order, if the petitioner is otherwise eligible for the same.

6. With the above direction, the Writ petition stands disposed of. No costs.

03.04.2023

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

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C.V.KARTHIKEYAN, J.

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