



Crl.R.C.(MD) No.563 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.563 of 2023

Syed Sahabudeen @ Bag Kadai Syed

**... Revision Petitioner/
Petitioner/Accused No.2**

Vs.

**1.The Inspector of Police,
CBCID-SID,
Lady Doak College Road,
Madurai.**

**...1st Respondent/
1st Respondent/Complainant**

**2.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Racecourse Road,
Madurai-625 002.**

**...2nd Respondent/
2nd Respondent**

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records in connection with order passed in Crl.M.P.No.719 of 2022 in S.C.No.358 of 2018 dated 09.09.2022 by the learned VI Additional District and Sessions Judge, Madurai and set aside the



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same as illegal and consequently direct the second respondent to renew/re-issue the petitioner's passport bearing No.K5353481 based on the petitioner's application in File No.MD1073955106522 dated 15.02.2022.

For Petitioner : Mr.M.Seenisulthan,
For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No. 719 of 2022 in S.C.No.358 of 2018 on the file of the VI Additional District and Sessions Court, Madurai, dismissing the petition seeking direction to the second respondent to renew or re-issue the petitioner's passport based on the application submitted to the second respondent dated 15.02.2022.

2. The petitioner is the second accused in S.C.No.358 of 2018 on the file of the VI Additional District and Sessions Court, Madurai.

3. The petitioner has filed an application in Crl.M.P.No.719 of 2022 before the learned VI Additional District and Sessions Judge, Madurai to direct the second respondent to renew or re-issue the petitioner's passport. The learned



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WEB COPY Sessions Judge, considering the objections raised by the first respondent by specifically observing that that Court has no inherent jurisdiction to grant any direction to the second respondent as contemplated under Section 482 Cr.P.C. and that though the petitioner has alleged that he has already filed an application before the second respondent, but no order copy was filed, dismissed the petition. Aggrieved by the order of dismissal, the petitioner has come forward with the present criminal revision.

4. As rightly contended by the learned Additional Public Prosecutor, the learned Sessions Judge has no power or jurisdiction to direct the second respondent-passport authorities to re-issue or renew the passport.

5. The learned counsel appearing for the petitioner has relied on the notification dated 25.08.1993 issued by the Ministry of External Affairs, wherein, it has been stated that in exercise of the powers conferred by clause (a) of Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is



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WEB COPY necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act.

6. As per the said notification, the Central Government can exempt citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act.

7. Admittedly, the petitioner has not filed any application seeking permission from the concerned Court, but he has sought for direction to the second respondent to renew or re-issue the passport. Hence, the order of the learned Sessions Judge in dismissing the petition cannot be found fault with.



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8. In the result, this Criminal Revision case is dismissed. However, the petitioner is at liberty to file an application seeking permission of the Court in accordance with notification dated 25.08.1993.

12.06.2023

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

To:-

- 1.The Inspector of Police,
CBCID-SID,
Lady Doak College Road,
Madurai.
- 2.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Racecourse Road,
Madurai-625 002.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csm

**ORDER MADE IN
Crl.R.C.(MD)No.563 of 2023**

Dated : 12.06.2023