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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.11025 of 2023

Sathiyaraj

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirapalli – 620 018.

2.The Passport Seva Kendra Officer (Thanjavur),
New No.201/7D, Old No.201/7,
Medical College Road,
Next to Kumaran Cinema Theatre,
Thanjavur – 613 007.

3.The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
(Cr.No.54 of 2018)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to re-issue of the petitioner's passport bearing No.L4662015 on the basis of petitioner's application File No.TR1075226468723 based on the



petitioner's representation dated 21.04.2023 within the time stipulated by this Court.

For Petitioner :Ms.A.Banumathy
For R1 & R2 :Mr.V.Sasikumar
Senior Counsel
For R3 :Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of mandamus seeking direction to the first respondent to re-issue the passport of the petitioner bearing No.L4662015. The petitioner had given an application in No.TR1075226468723. The petitioner had given a representation dated 21.04.2023.

2. The petitioner is the holder of the aforementioned Indian Passport. When the petitioner applied to re-issue the same, it was informed that a FIR in Crime No.54 of 2018 had been registered by the third respondent under Sections 294(b), 336 and 341 of IPC. The complainant therein is the father's first wife's son of the petitioner.



3. A status report had been filed by the learned Additional Government Pleader stating that though final report had been filed, it had still not been taken cognizance by the jurisdictional Magistrate.

4. In view of that particular fact, since the presumption of innocence runs deep and strong in criminal jurisprudence in this country, a direction is given to the first respondent to process the application aforementioned of the petitioner and if the petitioner is otherwise eligible reissue the aforementioned passport within a period of four weeks from the date of receipt of a copy of the order.

5. This writ petition stands allowed. No costs.

19.06.2023

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

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C.V.KARTHIKEYAN, J.

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To

- 1.The Regional Passport Officer, Regional Passport Office,
New Municipal Complex, Thillai Nagar 7th Cross, Tiruchirapalli – 620 018.
- 2.The Passport Seva Kendra Officer (Thanjavur),
New No.201/7D, Old No.201/7, Medical College Road,
Next to Kumaran Cinema Theatre, Thanjavur – 613 007.
- 3.The Inspector of Police, Malaiyur Police Station,
Pudukkottai District. (Cr.No.54 of 2018)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P(MD)No.11025 of 2023

19.06.2023