



W.P(MD)No.12757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.12757 of 2023

P.Thirupathi

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Medical College Road, Next to Kumaran,
Cinema Theatre,
Thanjavur District.
- 2.The Enquiry Officer,
The Regional Passport Office,
Tiruchirapalli,
New Municipal Complex, Thillainagar 7th Cross,
Tiruchirapalli - 018.
- 3.The State represented by the Inspector of Police,
Vattathikottai Police station,
Thanjavur.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondent to issue the passport to the petitioner by considering the petitioner bearing application No.23-1004375917 dated 07.04.2023, within the time stipulated by this Honble Court .



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For Petitioners : Mr.K.Mahendran
Advocate.
For R1 and R2 : Mr.S.Karthick
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 / Regional Passport Officer, Thanjavur, to issue passport to the petitioner. The petitioner had applied in application No. 23-1004375917 on 07.04.2023. He was informed that FIR in Crime No.330 of 2022 had been registered by the third respondent under Sections 147, 148, 294(b), 323, 324 and 427 IPC had been registered against the petitioner herein.

2. A status report had been presented by the learned Additional Government Pleader stating that the petitioner P.Thirupathi had been arrayed as second accused. It had been stated that final report had been presented before the Judicial Magistrate Court, Pattukottai, but not yet taken cognizance.

3. The presumption of innocence runs through the criminal jurisprudence of this country and it cannot be stated that the petitioner is a convicted accused.



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In view of that particular fact, a direction is given to the first and second respondents to issue a notice to the petitioner herein and obtain necessary undertaking that if he ever wants to go abroad, during the pendency of the trial, if at all the case comes to trial, to get necessary permission from the Court where the trial is conducted. On getting that particular undertaking from the petitioner and if the petitioner is otherwise eligible, a direction is issued to proceed to issue passport to the petitioner herein. Entire exercise must be completed within a period of four weeks from the date of receipt of a copy of this order.

4. This writ petition stands disposed of. No costs.

22.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Regional Passport Officer, Medical College Road,
Next to Kumaran Cinema Theatre, Thanjavur District.
- 2.The Enquiry Officer, The Regional Passport Office, Tiruchirapalli,
New Municipal Complex, Thillainagar 7th Cross, Tiruchirapalli - 018.
- 3.The Inspector of Police, Vattathikottai Police station, Thanjavur.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

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