



W.P(MD)No.11551 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.11551 of 2023

Rasak Sahul Hameed

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
- 2.The Superintending Enquiry Officer,
Regional Passport Office, Madurai,
Bharathi Ula veethi,
Race Course Road,
Madurai.
- 3.The Inspector of Police,
Kenikarai police Station,
Ramanathapuram.

... 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 respondent to consider the petitioner's representation dated 03.05.2023 to issue fresh passport in file No.MD1064991758723 pending before the 1st respondent within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.B.Mahendra Rajan

For Respondents : Mr.V.Malaiyendran
Standing Counsel for R1 and R2

Mr.D.Farjana Ghoushia
Special Government Pleader for R.3

ORDER

This petition has been filed seeking a direction to the first respondent, Regional Passport Officer, Madurai to issue fresh passport with respect to the application given by the petitioner dated 03.05.2023 in file No.MD1064991758723.

2. It had been stated that a FIR in Crime No.148/2022 had been registered against the petitioner herein under Section 294(b), 323 of IPC and under Section 4 of TNPHW Act. The learned Special Government Pleader states that consequent to investigation, a charge sheet had been filed on 10.01.2023 but there is no reference of charge sheet being taken cognizance by the Additional Mahila Court, Ramanathapuram where the charge sheet was filed.

3. At any rate, the presumption of innocence runs through the criminal



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jurisprudence in this country and the petitioner has not yet been convicted of any offence. In view of that particular fact, I hold that the first respondent should issue notice again to the petitioner herein and if the petitioner is otherwise eligible, proceed further with the aforementioned application of the petitioner for issuance of passport to the petitioner herein. Necessary undertaking may be obtained from the petitioner that he would attend the trial before the Court and that if he ever wants to go abroad, he would go abroad only after getting permission from the concerned Magistrate Court. The passport to be issued within a period of 12 weeks from the date of receipt of a copy of this order.

4. This Writ Petition is disposed of. There shall be no order as to costs.

02.06.2023

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

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C.V.KARTHIKEYAN, J.

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To

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