



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD) No.11722 of 2023

C.Thirumurugan

... Petitioner

vs.

1.The Regional Passport Officer,
Office of Regional Passport Officer,
Tiruchirapalli Municipal Water Tank Building,
W.B.Road, Tiruchirapalli-620 008.

2.The Inspector of Police,
Nagudi Polilce Station,
Pudhukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to re-issue passport to petitioner in his application vide File No.TR2074936760523, dated 04.01.2023 pending on the file of the first respondent within a reasonable time.

For Petitioner	:	Mr.K.Kharikharadas
For R1	:	Mr.S.Ponsenthilkumar
For R2	:	Mr.D.S.Nedunchezian
		Government Advocate

O R D E R

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the first respondent to re-issue passport to the petitioner for which application had been filed in File No. TR2074936760523, dated 04.01.2023 relating to the passport of the petitioner bearing No.S5242899 issued on 19.07.2018 by the first respondent.

2.Heard Mr.K.Kharikharadas, learned Counsel for the petitioner, Mr.S.Ponsenthilkumar, learned Counsel for the first respondent and Mr.D.S.Nedunchezian, learned Government Advocate for the second respondent.

3.The petitioner has been implicated as an accused in Cr.No.38 of 2017 in the registered by the second respondent for performing bullock



cart race without getting prior permission and causing suffering to the bullock. It is stated that though final report had been filed before the learned Judicial Magistrate, Aranthangi, the final report had not yet taken cognizance by the learned Magistrate.

4.The presumption of innocence runs through the criminal jurisprudence in this country. The petitioner has not been convicted of any offence. Technically, the case is also not pending, since final report had not yet been taken cognizance.

5.A direction is given to the first respondent to proceed further with the aforementioned application given by the petitioner and also obtain necessary undertaking from the petitioner that he would inform the first respondent about the further progress of the case and also about the result of the case after final judgment is passed. Getting such undertaking, the first respondent may proceed to issue passport to the petitioner, if the petitioner is otherwise eligible. The entire exercise may be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

cmr

To

1.The Regional Passport Officer,
Office of Regional Passport Officer,
Tiruchirapalli Municipal Water Tank Building,
W.B.Road, Tiruchirapalli-620 008.

2.The Inspector of Police,
Nagudi Police Station, Pudukottai District.

3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.PONSENTHIL KUMARAN, Advocate (SR-28700[F] dated 16/06/2023)

+1 CC to M/s.K.KHARI KHARA DAS, Advocate (SR-28746[F] dated 16/06/2023)

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