



W.P(MD)No.17848 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17848 of 2022

G.Sakthivel

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Trichy District-620008.

2.The Inspector of Police,
K.Puduppatti Police Station,
Keelanilai Post,
Thirumayam Taluk,
Pudukottai District-622202.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Letter Ref.No. SCN/313047235/22 dated 27.07.2022 on the file of respondent no.1 and quash the same as illegal and consequently forbear the respondent No.1 from impounding the petitioners passport bearing number W1193064 within the time frame stipulated by this Court.

For Petitioner : Mr.S.Rajasekar



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For Respondents : Mr.K.Gokul for R1

: Mr.A.Albert James
Government Advocate for R2

ORDER

Heard both sides.

2. The petitioner is a holder of passport. He is presently in UK. His studies will be completed in September 2024. The petitioner is facing prosecution in C.C.No.180 of 2022 on the file of the Judicial Magistrate, Thirumayam. The petitioner is figuring as A3. Non-bailable warrant has been issued against him. In these circumstances, the impugned communication calling upon the petitioner to surrender passport has been issued.

3. After hearing both sides, I am satisfied that balance can be struck. The petitioner's studies cannot be allowed to be affected. The petitioner therefore need not surrender passport till he completes the present studies. However, on account of the petitioner's absence, the criminal case cannot be allowed to be drag on. It is stated by the learned Government Advocate that non-bailable warrant has been issued against all the accused and they are still absconding. A2 is none other than the petitioner's father.

4. The learned counsel appearing for the petitioner gives an undertaking on instructions that A2-Ganapathy/father of the petitioner will appear in person



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before the learned trial Magistrate on 11.12.2023 and seek recall of the warrant.

On the said date, the petitioner shall also apply for recall of warrant.

The petitioner is permitted to file an application under Section 205 of Cr.P.C by engaging a counsel on a special vakalat. The application to be filed by the petitioner shall be allowed by the learned trial Magistrate. If necessary, the learned trial Magistrate can even permit the petitioner to appear through video conference facility. The impugned proceedings shall be kept on hold till October 2024. If the petitioner fails to abide by the undertaking now given before this Court, the benefit of this order would stand automatically recalled.

5. The Writ Petition is disposed of accordingly. No costs.

22.11.2023

Index : Yes / No

Internet : Yes/ No

rmi

To

The Inspector of Police,
K.Puduppatti Police Station,
Keelanilai Post,
Thirumayam Taluk,
Pudukottai District-622202.



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G.R.SWAMINATHAN, J.

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