



CrI.O.P.(MD) No.15530 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.15530 of 2023

P.Rajasekaran

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Crime No.183 of 2012 and 223 of 2012

3.The Inspector of Police,
Othakkadai Police Station,
Crime No.388 of 2013

4.The Regional Passport Officer,
Office of the Regional Passport Officer,
Bharathi Ulla Street,
Race Course Road,
Madurai.

Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order made in Cr.M.P.No.5866 of 2022 in Spl.S.C.No.40 of 2021 on the



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file of the Special Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, 1957 Madurai dated 27.02.2023 and consequently directing the 4th respondent to issue passport based on the application No.22-1010568685 dated 13.09.2022.

For Petitioner :Mr.S.Ramsundarvijayraj

For R1 to R3 :Mr.SS.Madhavan
Government Advocate (Crl.side)

For R4 : Mr.K.Govindarajan

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking to set aside the order passed in Cr.M.P.No.5866 of 2022 in Spl.S.C.No.40 of 2021 on the file of the Special Court.

2.It is submitted by the learned counsel for the petitioner that the petitioner is holding a Indian passport bearing No.G.O.406949, which is valid from 15.11.2006 to 14.11.2016 and on account of a pendency of a criminal case in Crime No.183 of 2012 and 223 of 2012 at Keelavalavu Police Station, Madurai and Crime No.388 of 2013 on the file of Y.Othakadai Police Station, Madurai, the petitioner's passport could not be renewed after its expiry.



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3. It is submitted further that the petitioner has filed Crl.O.P.(MD) No.7962 of 2017 on the file of this Court and the said petition was allowed on 27.08.2019, directing the respondent No.4 herein to consider the application for issuance of fresh passport. Accordingly, on 27.09.2019, fresh passport was given to the petitioner vide passport No.T3668786 with a validity period of one year ie., from 18.09.2019 to 17.09.2020. The petitioner has also visited three countries with the said passport and came back to India and there is no complaint against the petitioner during the said period.

4.It is also submitted that on 17.09.2020, the said passport was expired and accordingly, the petitioner has filed Crl.O.P.(MD) No.20179 of 2021, which was allowed on 17.12.2021 directing the respondent No.4 to renew the passport for a period of one year. Subsequently, the passport of the petitioner was extended by one year and again on expiry, the petitioner has filed another application, but the same was not considered and therefore, the present writ petition is filed.



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6.Considering the submissions made by the learned counsel on either side and on perusal of the records, this Petition is allowed and the order passed in Cr.M.P.No.5866 of 2022 in Spl.S.C.No.40 of 2021 on the file of the Special Court is hereby set aside. The respondent No.4/the Regional Passport Officer is hereby directed to issue the passport for a limited period as was granted earlier, as per the orders of this Court in Crl.O.P.(MD) Nos.7962 of 2017 and 20179 of 2021.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
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Office of the Superintendent of Police,
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- 2.The Inspector of Police,
Keelavalavu Police Station,
- 3.The Inspector of Police,
Othakkadai Police Station,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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