



CrI.O.P.(MD)No.15889 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) No.15889 of 2023

Ravikumar

... Petitioner/Accused No.2

Vs.

1.State represented by

The Inspector of Police

Pattukkottai Town Police Station,

Thanjavur District. (Cr.No.745 of 2022)... Respondent/Complainant

2.The Regional Pass Port Officer,

Regional Passport Office,

Municipal Water Tank Buildings,

W.B.Road,

Tiruchirappalli.

... Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to Set Aside the order dated 10.05.2023 made in CrI.M.P.No.633 of 2023 in C.C.No.8 of 2023 on the file of the Judicial Magistrate, Pattukkottai, Thanjavur District.

For petitioner : Mr.D.Senthil

For R1 : Mr.M.Vaikkam Karunanidhi
Government Advocate (CrI. side)

For R2 : Mr.K.Govindarajan
Deputy Solicitor General of India



ORDER

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This petition has been filed to Set Aside the order, dated 10.05.2023, made in Crl.M.P.No.633 of 2023 in C.C.No.8 of 2023 on the file of the Judicial Magistrate, Pattukkottai, Thanjavur District.

2.The petitioner facing charges under Sections 294(b), 324, 427, 506(ii) of IPC in C.C.No.8 of 2023 on the file of the learned Judicial Magistrate, Pattukkottai, in Crime No.745 of 2022 on the file of the respondent police.

3.Pending the above said trial process, the petitioner moved an application seeking renewal of his passport in application No.TN1074759630522 before the competent authority namely the Regional Passport Officer, Trichy, the second respondent herein, on 23.11.2022. Objection was made by the second respondent stating that the petitioner must obtain proper no objection certificate from the trial Court, where the trial is pending. Therefore, he moved W.P.(MD).No. 27285 of 2022 before the Co-ordinate Bench of this Court, seeking Writ of Mandamus to issue passport to the petitioner. Considering the fact that the trial is pending before the concerned Court, he was directed to approach the concerned Court itself setting out the reasons. In pursuant



to the above said directions, he moved application before the trial Court in Crl.M.P.No.633 of 2023, seeking Certificate of No Objection.

4.Considering the fact that the trial process is underway, if any renewal of passport is issued to the petitioner, he may visit abroad making the trial process drag on endlessly, the above said application was dismissed. Similarly, marriage proposal particulars were not properly mentioned in the above said petition.

5.Challenging the above said order, this petition has been filed on the ground that he is not going to visit to the abroad without the permission of the trial Court., If any necessity arises in future to that effect, the petitioner shall file undertaking affidavit before the trial Court.

6.Renewal of passport is a routine procedure. The official formalities to be effected within the time stipulated. Otherwise, it will automatically lapse. Even for renewal of passport, no objection can be made either by the prosecution or by the trial Court. It is the right of the petitioner to renew his passport. Mere renewal of passport will not cause any hindrance to the trial Court process. Without appreciating the right of the petitioner in proper manner, the above said order was passed by the



Crl.O.P.(MD)No.15889 of 2023

trial Court. On that ground, the order passed by the trial Court is liable to be set aside.

7. Accordingly, this criminal original petition is allowed and the order, dated 10.05.2023, made in Crl.M.P.No.633 of 2023 in C.C.No.8 of 2023, by the learned Judicial Magistrate, Pattukkottai, Thanjavur District, is hereby set aside. The petitioner can approach the concerned Passport Officer, who is the competent authority, with the copy of this Order. Let the above said competent authority, consider the request made by the petitioner, treating this order as No Objection Certificate issued by the concerned trial Court for renewal of passport.

28.11.2023

Index : Yes/No
Internet : Yes/No
TM

To

1. The Judicial Magistrate, Pattukkottai, Thanjavur District.
2. The Inspector of Police
Pattukkottai Town Police Station,
Thanjavur District. (Cr.No.745 of 2022)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGO VAN. J.



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CrI.O.P.(MD)No.15889 of 2023

TM

CrI.O.P.(MD)No.15889 of 2023

28.11.2023