



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.24809 of 2023

A.Mohamed Saifullah

... Petitioner

VS.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

3.The Inspector of Police,
North Beach Police Station,
Chennai – 1.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent's impugned communication No.SCN/313695597/22 dated 10.11.2022 and quash the same and consequently direct the first respondent to renewal of petitioner's passport bearing No.K7504857 to him by considering petitioner application No.MD1074561132722 dated 06.09.2022.



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For Petitioner : Ms.Kalantar Aasik Ahamadu I

For Respondents : Mr.C.Nandagopal for R1

Mr.A.Albert James
Government Advocate (crl.side) for R2 and R3

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. It is stated that the petitioner is facing criminal prosecution in STC No.321 of 2018 on the file of the Judicial Magistrate, Ilayangudi. But the case has been registered only under Section 188 of IPC.

3.Considering the special facts and circumstances of the case, I am of the view that this Court itself can grant the relief sought for. The petitioner has to appear before the jurisdictional police and file an affidavit indicating his contact details. The petitioner apart from furnishing his residential address must also give his WhatsApp mobile number, e-mail ID. This is because, if any adverse final report is filed and the same is also taken on file by the jurisdictional criminal court, it should be possible to serve summons on the petitioner with the available details. The petitioner shall give an undertaking that the prosecution initiated against him will not be stalled on account of his



absence from India. He should undertake that summons can be served on him through E-mail/WhatsApp. If necessary, the petitioner will have to execute a special vakalat in future so that he can be represented by his counsel in the proceedings in terms of Section 205 of Cr.P.C.

4. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall process the petition-mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms.

5. This writ petition is disposed of. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
skm

To

1. The Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.



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2. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
3. The Inspector of Police,
North Beach Police Station,
Chennai – 1.



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G.R.SWAMINATHAN, J.

SKM

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