



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

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

WP(MD)No.25278 of 2023

R.Vijay Kumar

... Petitioner

V.

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

2.The Inspector of Police,
SS Colony Police Station,
Madurai District.
(Crime No.2459 of 2020)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Notice in Na.SCN/315749207/2023 dated 14.09.2023 passed by the first respondent and quash the same as illegal and consequently directing the first respondent to issue Passport to the petitioner vide File No.MD1065739374523 within the time stipulated by this Court.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.C.Nandhagopal for R1



Mr.A.Albert James,

Government Advocate (crl.side) for R2

ORDER

Heard both sides.

2.When the matter was taken up for hearing, the learned Government Advocate (crl.side) informed the court that the case registered against the petitioner has since been charge sheeted. But I am of the view that there is no impediment as of now.

3.Considering the special facts and circumstances of the case, 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. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
skm

To

1. The Regional Passport Officer,
Regional Passport Office,
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Race Course Road,
Madurai – 625 002.
2. The Inspector of Police,
SS Colony Police Station,
Madurai District.



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G.R.SWAMINATHAN, J.

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