



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.25873 of 2023

and

WMP(MD)Nos.22223 & 22224 of 2023

N.Rajkumar

... Petitioner

VS.

1.The Regional Passport Officer,
Tiruchirappalli.

2.The Superintendent of Police,
Pudukottai, Pudukottai District.

3.The Inspector of Police,
Thiruppunavasal Police Station,
Pudukottai District.

4.The Inspector of Police,
PEW Karur Police Station,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the impugned clarification under Letter Ref No.OBJ/315610071/23 dated 25.08.2023 and to quash the same as unwarranted and unlawful and further direct the first respondent herein to reissue passport under File No.TR2075679509723 to the petitioner herein within a time frame fixed by this Court.



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For Petitioner : Mr.R.Karthick Sevugaperumal

For Respondents : Mr.Pon.Senkthilkumar for R1

Mr.A.Albert James
Government Advocate (Crl.side) for R2 to R4

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that the criminal case registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No.45 of 2021 on the file of the Judicial Magistrate, Karur.

4.The petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be



numbered and disposed of within a period of three weeks thereafter. The learned trial Judge shall bear in mind that right to travel abroad is a fundamental right. The petitioner's career and avocation may be at stake if he is denied the right to go abroad. Therefore, the trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application under Section 205 of Cr.P.C by executing a special vakalat.

5. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-mentioned application in terms of the said order.

6. This writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

22.11.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

SKM

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