



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

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

WP(MD)No.25669 of 2023
and
WMP(MD)No.21843 of 2023

S.Mohamed Mohsin

... Petitioner

V.

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

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram Taluk,
Ramanathapuram District.
(Crime No.12 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 of the 1st respondent's impugned letter Ref.No.SCN/315934137/23 dated 11.10.2023 and quash the same and consequently direct the 1st respondent to renew the petitioner passport by considering his application No. MD1075841251923 dated 04.10.2023.



For Petitioner : Mr.A.S.Krishnan

For Respondents : Mr.P.Sundaravadivel for R1

Mr.A.Albert James,

Government Advocate (crl.side) for R2

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.128 of 2023 on the file of the Judicial Magistrate No.I, Ramanathapuram.

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 petition is closed.

22.11.2023

Index : Yes / No
Internet : Yes/ No
skm



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To

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G.R.SWAMINATHAN, J.

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