



W.P(MD)No.28251 of 2022

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DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28251 of 2022

Raja Hussain

... Petitioner

Vs.

1.The Regional Passport Officer
Regional Passport Office,
Barathi Ula Veethi,
Race Course Road,
Madurai.

2.The Additional Director General of Police (Crime),
Chennai,
Tamil Nadu.

(R2 is Substituted vide Court Order, Dated 16.12.2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to issue a passport to the petitioner by considering his representation, dated 07.12.2022.



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For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.Jeyasingh - for R1

Senior Panel Counsel

Mr.B.Thanga Aravindh,

Government Advocate (Crl. side)

ORDER

Heard the learned counsel appearing on either side

2. The petitioner seeks issuance of a passport. The petitioner does have an unsavory past. However, he claims that he has turned a new leaf. The petitioner did face prosecution under TADA.

3. The learned Government Advocate appearing for the second respondent has filed a detailed counter affidavit and has furnished the list of cases, in which, the petitioner was involved. The details are as follows :



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Sl. No	Police Station / Crime No.	Section of Law / Sentence	Present Stage of the Case
1.	B.1 Villakkuthoon PS.Cr.No.530/1992	341,324 IPC – Rigorous imprisonment for 3 months	Judgment copy is not available in Police Station.
2.	Chennai Kodungaiyur PS Cr.No.381/97	120(B) IPC sec.5 of Explosive Substances Act and sec.9(B)(1)(b) of Explosive Act.- 5 years conviction on 28.12.2018	Judgment copy enclosed herewith.
3.	Madurai City B1 Vilakuthoon Cr.No.1067/2019	109,143,291,341,353, 505(1)(b) IPC 119, 177 MV Act 71(A), 73 TNCP Act,& 4(1) TNOPPD Act.,	This case is PT in CC.No.1068/2020 by JMI Court Madurai, NH.20.03.2023 for withdrawl.
4.	Madurai City V2 Avaniapuram PS Cr.No. 262/15 registered in Madurai City CBCID Cr.No.09/2015	25(1) (A) Indian Arms Act 1959 @ 25(1)(A) Indian Arms act 120(b) 201, 153(A)(b), 109 r/w 34 IPC.	The case is under investigation for want of sanction of prosecution order from by Public Law & Order, H-Department, Chennai.
5.	Madurai Dist Melur PS Cr.No.776/2019	147, 294(b), 323 ,506(i) IPC.	This case is under investigation.
6.	Theni District, Cumbam North 12/2020	153, 153(b), 504, 506(ii) IPC.	According to Section 153(B) IPC this case is under investigation for the opinion of the District Magistrate for Prosecution.
7.	Chennai Triplicane PS Cr. No : 138/2020	147, 341,294(b),323, 427,336,363,506 (ii) IPC.	Investigation completed, Final report prepared, App opinion awaited for approval. Hence case is under investigation.
8.	Madurai City B1 Vilakuthoon Cr.No. 1456/2020	151,291,270 IPC., r/w Sec 3 of Epidemic ACT	Another accused yet to be identified. This case is under investigation.
9.	Madurai City B1 Vilakuthoon Cr.No.570/2021	151,291,269 IPC, r/w 3 of Epidemic ACT	This case is under investigation.
10.	Chennai City Egmore PS Cr.No. 812/2021	143, 269, 270. IPC	This case is under investigation.



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4. I am more than satisfied that at present the petitioner is facing trial only in C.C.No.1068 of 2020, on the file of the Judicial Magistrate No.I, Madurai. Even the said case is proposed to be withdrawn. There does not appear to be any other impediment for considering the petitioner's application for issuance of passport. The first respondent is directed to process the petition mentioned application and issue passport to the petitioner, as expeditiously as possible.

5. The writ petition is allowed, accordingly. No costs.

01.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

RM



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G.R.SWAMINATHAN, J.

RM

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