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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

PRESENT

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

WP(MD) No.26453 of 2023

Rahamathullah

... Petitioner

VS.

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

2.The Inspector of Police,
District Crime Branch,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the first respondent from impounding the petitioner's passport No.L7898423 and further direct the first respondent to accept the renewal of passport application.

For Petitioner : Mr.R.Murali

For Respondents : Mr.G.Rajaraman for R1

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



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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.703 of 2023 on the file of the Judicial Magistrate No.II, Dindigul.

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 she 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.

22.11.2023

Index : Yes / No
Internet : Yes/ No
skm

To

1. The Regional Passport Officer, Regional Passport Office,
Bharathi Ula Veethi, Race Course Road, Madurai – 625 002.
2. The Inspector of Police, District Crime Branch, Dindigul.



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G.R.SWAMINATHAN, J.

SKM

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