



W.P(MD)No.26589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26589 of 2023

and

W.M.P.(MD)Nos.22880 & 22881 of 2023

Prakash Raju

... Petitioner

Vs.

1.The Regional Passport Officer,
Bharathi Ula Veedhi,
Racecourse Road, Madurai.

2.State represented by
The Inspector of Police,
Eriodu Police Station,
Dindigul District.
Crime No.392 of 2018
(R2 is impleaded vide order dated 15.11.2023
in W.M.P.(MD)No.23152 of 2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order in Letter Ref. No. SCN / 315483671/2023 dated 10.08.2023 on the file of the Respondent and quash the same.

For Petitioner : Mr.S.Selva Aditya

For Respondent : Mr.S.Pon Senthilkumar for R1
: Mr.A.Albert James
Government Advocate for R2



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ORDER

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Heard both sides.

2. The writ petitioner applied to the first respondent for issuance of passport. The application was made on 26.07.2023. The passport was also issued. Thereafter, the first respondent came to know that the petitioner is involved in a criminal case. Hence, the impugned notice dated 10.08.2023 was issued calling upon the petitioner to clarify regarding his involvement in Crime No.392 of 2018 on the file of the Eriodu Police Station. The petitioner offered his reply on 05.09.2023. The petitioner also appeared in person before the first respondent. The petitioner is working in a private company. He is now having an opportunity to go to China for employment purposes. The petitioner's counsel states that the petitioner has to leave at the end of this month.

3. When the matter was taken up for hearing, the learned Government Advocate appearing for the second respondent submitted that Crime No.392 of 2018 had since been charge sheeted and taken on file by the Judicial Magistrate, Vedasanthur in C.C.No.151 of 2021. It is not in dispute that the petitioner has not been served with any summon as on date. The next hearing date is 20.11.2023. The petitioner has to leave India on 25.11.2023. The



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petitioner through his counsel states that he will appear before the learned trial Magistrate on 20.11.2023 and submit an application under Section 205 of Cr.P.C so that he can be represented by a counsel on 29.11.2023. The learned trial magistrate is directed to allow the application to be filed by the petitioner under Section 205 of Cr.P.C. The petitioner's counsel states that the petitioner will return to India within three months. Therefore, the petitioner shall appear before the passport authority on 21.11.2023 and the first respondent shall restrict the validity of the petitioner's passport to one year. Based on the order to be passed by the learned trial magistrate in future, the petitioner's right regarding obtaining permanent passport will abide.

4. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

16.11.2023

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 17.11.2023

To
The Inspector of Police,
Eriodu Police Station,
Dindigul District.



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G.R.SWAMINATHAN, J.

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