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Crl.O.P.(MD)No.20973 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/11/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.20973 of 2023

Syed Sahabudeen @
Bag Kadai Syed

: Petitioner

Vs.

1.The Inspector of Police,
Special Investigation Division,
CBCID,
Madurai.

2.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

: Respondents

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to set aside the order passed by the Additional District and Sessions Judge No.6, Madurai, in Crl.M.P No.5441 of 2023, dated 20/10/2023 and permit the petitioner to move abroad for work and pass any other order or further orders.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor



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O R D E R

WEB COPY This criminal original petition has been filed seeking to set aside the order passed by the VI Additional Sessions Judge, Madurai, in Crl.M.P No.5441 of 2023, dated 20/10/2023 and permit the petitioner to move abroad for work.

2.The facts in brief:-

The petitioner is an accused facing the charges under section 120-B IPC r/w sections 3 and 5 of the Explosive Substances Act, 1908 pending on the file of the 6th Additional Sessions Judge, Madurai. Similarly another case was also pending before the Special Judge, Poonamalli, Chennai. The petitioner by profession is to visit abroad, since he is working as Tour Operator. He applied for renewal of his passport, which expired, on 19/07/2022. On verification, it was found that criminal cases are pending against him. No further action was taken at his request. Because of the non-renewal of the passport, his livelihood is affected. During the month of Ramzan, he used to travel foreign countries on pilgrim. He approached the trial court seeking a direction for renewal of the passport by filing Cr.MP No.719 of 2022. That came to be dismissed, on 09/09/2022. He filed revision in Crl.RC(MD)No.563 of 2023 before this court.



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That was also dismissed with a direction to the petitioner to work out his remedy before the trial court itself.

3.In pursuance of the above said direction, he filed another application before the trial court in Cr.MP No.3584 of 2023. Due to some mistake in the prayer, that was withdrawn. Another application was filed in Cr.MP No.5441 of 2023. But it was also dismissed, on 20/10/2023.

4.Against which, this criminal original petition is filed.

5.Heard both sides.

6.Renewal of the passport is a civil right available to a citizen. Simply because criminal cases are pending, that right cannot be curtailed without any valid reason.

7.No doubt that the petitioner is facing criminal case not only before the 6th Additional Sessions Judge, Madurai, but also before the Special Court, Poonthamalli, Chennai. The appearance of the petitioner can be secured by imposing conditions upon him during the process of



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trial. By imposing reasonable conditions, the right of the petitioner to renew the passport and visit abroad must be permitted, which is a fundamental right.

8.From **Maneka Gandhi's** case, right to visit abroad is recognized. The petitioner by profession is a Tour Operator. According to him, as mentioned above, he has to take the pilgrims to abroad on tour basis and if the passport is not renewed, his livelihood would be affected. This is also not permissible under law.

9.On the above said ground, the order passed by the trial court namely the VI Additional Sessions Judge, Madurai, in Crl.MP No.5441 of 2023, dated 20/10/2023 is liable to be set aside.

10.In the result, this criminal original petition is **allowed** and the order passed by the trial court namely the VI Additional Sessions Judge, Madurai, in Crl.MP No.5441 of 2023, dated 20/10/2023 is set aside. Accordingly, permission is granted to the petitioner to visit abroad on the following conditions:-

**(a)He must execute a bond for a
sum of Rs.25,000/- (Rupees Twenty Five**



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Thousand Only) along with two sureties each for a like sum to the satisfaction of the trial court namely the VI Additional Sessions Judge, Madurai;

(b)He must also file an undertaking affidavit to the effect that he will return to India after the tour permit is over, mentioning the date of departure or arrival;

(c)He must inform the respondents herein about his address in abroad and must keep in touch with the respondents daily in the morning till he arrives India.

(d)He must also file an undertaking affidavit that he will make proper arrangements to represent him at the time of trial.



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11.With the above said conditions, permission is granted to the petitioner to visit abroad.

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Index:Yes/No
Internet:Yes/No

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To,

- 1.The VI Additional Sessions Judge,
Madurai.
- 2.The Inspector of Police,
Special Investigation Division,
CBCID,
Madurai.
- 3.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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