



W.P(MD)No.27811 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27811 of 2023

Ramesh Sankar

... Petitioner

Vs.

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

2.The Inspector of Police,
Kallal Police Station,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent not to take any coercive step so as to impound the passport bearing Passport No.Y7186280 by considering the petitioner explanation letter dated 29.09.2023 in the light of judgement WP(MD) 10816 of 2022 dated 14.06.2022.



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For Petitioner : Mr.A.Balaji

For Respondents : Ms.B.Deepa,
Central Govt. Standing Counsel for R1.
Mr.A.Albert James,
Government Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner was issued with passport on 07.08.2023. Subsequently, the first respondent issued show cause notice calling for explanation for his involvement in a criminal case. He submitted his explanation on 29.09.2023. Apprehending that his passport may be impounded 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



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been taken on file in P.R.C.No.63 of 2023 on the file of the learned Judicial Magistrate, Karaikudi.

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.



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6.This writ petition is disposed of accordingly. No costs.

18.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Inspector of Police,
Kallal Police Station,
Sivagangai District.

Copy to:-

The Judicial Magistrate,
Karaikudi.



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G.R.SWAMINATHAN, J.

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