



Crl.O.P.(MD).No.22659 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED:15.12.2023**

**CORAM**

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

**Crl.O.P.(MD).No.22659 of 2023**

Selva Pandi

... Petitioner

Vs

The Inspector of Police,  
All Woman Police Station,  
Theni District,  
Crime No.1/2020.

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the return docket order, dated 06.12.2023 in unnumbered Cr.MP.SR.No.8597/2023 passed by the Additional Mahila Court, Theni and issue a direction, directing the learned the Additional Mahila Court, Theni to take on file the petition filed by the petitioner and dispose the same within a stipulated time.

For Petitioner : Mr.M.Subash Babu

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



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**ORDER**

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This Criminal Original Petition filed to set aside the return docket order, dated 06.12.2023 in unnumbered Cr.MP.SR.No.8597/2023 passed by the Additional Mahila Court, Theni and issue a direction, directing the learned Judicial Magistrate, Additional Mahila Court, Theni to take on file the petition filed by the petitioner and dispose the same within a stipulated time.

2.The petitioner is facing charges under Sections 294(b), 323, 494, 506(i) of IPC and Section 4 of T.N.P.W.H Act in C.C.No.112 of 2021. Pending the trial process, the petitioner has got some job opportunity in abroad, namely, United Kingdom.

3.It is the grievance of the petitioner that since the petitioner is facing charges in this case, the Passport Authority has insisted the petitioner to get permission from the trial Court to go abroad. On that ground, he made an application before the trial Court, viz., Additional Mahila Court, Theni. However, the learned trial Court returned the same stating that as per Section 11 of the Passport Act, if any person is



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aggrieved by an order of Passport Authority, he has to prefer an appeal before the appropriate Authority, so the trial Court has no jurisdiction.

Challenging the same, the present petition has been filed.

4.On carefully going through the records, it is seen that the petitioner is seeking permission to go abroad, not seeking permission to get passport. That prayer is well within the power of the trial Court to entertain. Getting passport is entirely a different issue from that of going abroad. Without appreciating such difference, the petition filed by the petitioner was returned.

5.In view of the above, the impugned order is set aside and the trial Court is directed to process the petition on the judicial side and pass orders within a period of 15 days from the date of receipt of copy of this order. With the above direction, this petition stands disposed of.

**15.12.2023**

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

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To

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1. The Judicial Magistrate, Additional Mahila Court, Theni

2. The Inspector of Police,  
All Woman Police Station,  
Theni District,  
Crime No.1/2020.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.ILANGO VAN,J.**

PNM

ORDER IN  
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