



W.P(MD)No.30673 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30673 of 2023

Muthukumar

... Petitioner

Vs.

1. The Union of India

**Represented by the Principal Secretary,
Ministry of External Affairs,
Union of India E Block,
Central Secretariat,
New Delhi.**

2.The Union of India

**Represented by the Principal Secretary,
Ministry of Overseas Indian Affairs,
Jaisalmer House,
Mansingh Road,
New Delhi.**



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3.The Regional Passport Officer

O/o. Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

4.The Inspector of Police

Kandavarayanpatti Police Station,
Sivagangai.
(Crime No. 39/2021)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to consider the adverse Police Verification report corresponding to the petitioner application, dated 17.03.2022 in file Number MD1074044578722 and retain the validity of petitioner's reissued passport bearing number J1097601 and in accordance with law and within the time fixed by this Court



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For Petitioner : Mr.K.Neethimohan

For Respondents: Mr.K.Govindarajan – for R1 & R2

Deputy Solicitor General

Mr.Paramasivam – for R3

Mr.A.Albert James – for R4

Government Advocate

ORDER

Heard the learned counsel appearing on either side.

2. The petitioner applied for issuance of passport.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the petitioner is facing prosecution in Spl.C.C.No.76 of 2021 on the file of the Principal Sessions Judge, Sivagangai.



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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 to be 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 to be passed by the trial Court.



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6. The Writ Petition is disposed of, accordingly. No costs.

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

RM



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G.R.SWAMINATHAN, J.

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