



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.30794 of 2023 AND

W.M.P.(MD)No.26446 of 2023

Johnson Jebamyntan

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai – 625 002.
2. The Superintendent of Police,
O/o.the Superintendent of Police, Tirunelveli.
3. The Inspector of Police,
Cheranmahadevi police station,
Tirunelveli District.
(Crime No.253 of 2019)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records pertaining in the impugned notice in letter Ref. No.SCN316386965/23 dated 04.12.2023 passed by the first respondent to issue passport to the petitioner forthwith based on his application in file No.MD2065988950323 dated 20.11.2023.

For Petitioner : Mr.A.Abdulkabur

For R-1 : Mr.P.Subbiah,
Central Government
Senior Panel Counsel.

For R-2& R-3 : Mr.A.Albert James,
Government Advocate.

**ORDER**

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Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed 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 is pending at the FIR stage.

4.It is well settled that when the case is pending only at the FIR stage, there is no impediment for the Regional Passport Officer to grant relief.

5.The petitioner has to appear before the jurisdictional police and file an affidavit indicating his contact details. The petitioner apart from furnishing his residential address must also give his WhatsApp mobile number, e-mail ID. This is because, if any adverse final report is filed and the same is also taken on file by the jurisdictional criminal court, it should be possible to serve summons on the petitioner with



the available details. The petitioner shall give an undertaking that the prosecution initiated against him will not be stalled on account of his absence from India. He should undertake that summons can be served on him through E-mail/WhatsApp. If necessary, the petitioner will have to execute a special Vakalat in future so that he can be represented by his counsel in the proceedings in terms of Section 205 of Cr.P.C.

6. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall process the petition-mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

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

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