



WEB COPY

W.P.No.4613 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4613 of 2024

M.Prakash

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Chennai
Royala Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Annasalai, Chennai – 600 002.

2.Passport Seva Kendra,
Represented by its Passport Officer,
No.1, Banumathi Ramakrishna Road,
Bharathi Colony, Vijayaragavapuram,
Saligramam, Chennai – 600 093.

3.State by
Inspector of Police,
Central Crime Branch,
EDF-II Team-III,
Vepery, Chennai – 7.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to renew the petitioner's Passport No.M2688486.



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For Petitioner	: Mr.C.Vidhusan
For R1 & R2	: Mr.V.Ashok Kumar Central Govt. Standing Counsel
For R3	: Mr.S.Vinoth Kumar Government Advocate (Criminal Side)

ORDER

The Writ of Mandamus has been instituted to direct the respondents 1 and 2 to renew the petitioner's Passport No.M2688486.

2. It is not in dispute that a criminal case is registered against the writ petitioner in C.C.No.9751 of 2021 on the file of Learned Special Magistrate for Exclusive Trial of CCB, CBCID cases, Egmore.

3. The learned counsel for the petitioner would submit that the trial is in progress and the petitioner is cooperative for expedite completion of trial. The application submitted by the petitioner for renewal of Passport is not considered on the ground that a criminal case is pending.



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4. The learned counsel for the petitioner relied on the judgment of the Hon'ble Division Bench of this Court in the case of ***The Regional Passport Officer vs. Samsudeen Mohamed Salih*** in ***W.A.No.902 of 2023*** dated 02.06.2023, held that the pendency of the criminal trial is not a bar for renewal of Passport.

5. This Court is of the considered opinion that the application submitted by the petitioner for renewal of Passport may be considered in accordance with law. Once the Passport is renewed, it is to be surrendered before the Criminal Court of Law. If the petitioner has undertaken to travel abroad, he has to seek necessary permission from the Criminal Court of Law. Therefore, renewal of Passport would not be construed as permission to travel abroad. The Passport, if renewed by the Passport Officer, then it is to be surrendered by Regional Passport Officer to the 3rd respondent / Inspector of Police, Central Crime Branch, who in turn is directed to surrender the original Passport before the Criminal Court of Law, where the trial is pending. The petitioner is at liberty to submit an application seeking permission to travel abroad, if necessary.



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costs.

6. With the above directions, this Writ Petition stands disposed of. No

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Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Regional Passport Officer,
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S.M.SUBRAMANIAM, J.

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