



WA No.1607 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2024

CORAM

THE HON'BLE MR.JUSTICE **G.R.SWAMINATHAN**

AND

THE HON'BLE MR.JUSTICE **P.B.BALAJI**

WA No.1607 of 2024

M.Prakash

: Appellant

versus

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. The Passport Seva Kendra,
Rep. by its Passport Officer,
No.1, Banumathi Ramakrishna Road,
Bharathi Colony, Vijayaragavapuram,
Saligramam, Chennai 600 093.
3. The State by
Inspector of Police,
Central Crime Branch, EDF-II, Team-III,
Vepery, Chennai-7.

: Respondents



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Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in W.P.No.4613 of 2024 dated 08.04.2024.

For the Appellant : Mr.C.Vidhusan

For the Respondents : Mr.S.Janarthanan
Spl. Panel Counsel
for respondent Nos.1 and 2

: Mr.D.Ravichandar
Spl. Govt. Pleader
for respondent No.3

JUDGMENT

(Delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The appellant is holder of Indian passport. Its validity has already expired. The appellant had filed WP No.4613 of 2024 seeking renewal. It is not in dispute that the appellant is facing criminal prosecution in CC No.9751 of 2021 on the file of Special Magistrate for Exclusive Trial of CCB, CBCID Cases, Egmore. Learned Single Judge had disposed of the writ petition in the following terms:



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"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."

Questioning the same, this writ appeal has been filed.



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3. We are of the view that interference is warranted only as regards direction to surrender the passport. The petitioner can very well retain the passport. But, then, the petitioner needs to get permission from the trial court for travelling abroad.

4. With this modification, the writ appeal is partly allowed. There shall be no order as to costs.

(G.R.S., J.) (P.B.B., J.)
22.05.2024

Index : Yes/No
Neutral Citation : Yes/No
sra/tar

Office to note:
Issue copy by 24.05.2024.



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To
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G.R.SWAMINATHAN, J.
and

P.B. BALAJI, J.

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