



Crl.O.P.(MD)No.2213 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.2213 of 2023

A.Nowshath

... Petitioner

Vs.

The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
Crime No. 125/2022

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the impugned order passed by the Learned Judicial Magistrate No.IV, Tirunelveli in Cr.M.P No. 18055 of 2022 dated 09.11.2022 and allow this Criminal Original Petition.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.(MD)No.2213 of 2023

ORDER

This petition has been filed challenging the proceedings of the learned Judicial Magistrate No.IV, Tirunelveli, in Crl.M.P.No.18055 of 2022, dated 09.11.2022, dismissing the application filed by the petitioner seeking for 'No Objection Certificate' to get the passport.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

3.The petitioner is facing trial before the Court below for offences under Sections 294(b), 323, 324, 307 and 506(ii) of IPC. There are totally three accused persons in this case and the petitioner has been arrayed as A1. The case of the prosecution is that the accused persons trespassed into the property and tried to interfere with the possession and as a result, the defacto complainant was attacked and he was attempted to be murdered.



Crl.O.P.(MD)No.2213 of 2023

4.Taking into consideration the facts and circumstances of the case and considering the grounds that have been raised in this petition, this Court finds that the petitioner can be permitted to submit his application seeking for issuance of passport. Ultimately, it is for the passport authority to decide as to whether the passport can be issued to the petitioner considering the criminal case that is pending against him. It is not as if by mere issuance of passport, the petitioner will be able to run out of India.

5.In view of the above, it is made clear that the petitioner can apply for issuance of passport before the passport authority and the same will be dealt with on its own merits and in accordance with law.

6.This Criminal Original Petition is disposed of accordingly.

18.11.2024

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

3/5



Crl.O.P.(MD)No.2213 of 2023

WEB COPY

To

- 1.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.2213 of 2023

N.ANAND VENKATESH,J.

PKN

Crl.O.P.(MD)No.2213 of 2023

Dated: 18.11.2024