



W.P(MD)No.4688 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4688 of 2024

R.Sunil

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharath Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Superintendent of Police,
District Police Officer,
Kanyakumari District.

3.The Inspector of Police,
Kulasekaran Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to issue petitioner passport in respect of petitioner's application in file No.MD2075806840923 dated 21.09.2023 within a stipulated time prescribed by this Court.



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For Petitioner : Mr.S.Jebastin

For Respondents : Mr.V.S.Karthik,
Central Govt. Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2 & R3.

ORDER

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 cases registered against the petitioner have since been charge sheeted and they has been taken on file in Spl. S.C.No.95 of 2021 and Spl. S.C.No.223 of 2023 on the file of the learned Sessions Court, Nagercoil.

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



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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 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.

6. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharath Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 2.The Superintendent of Police,
District Police Officer,
Kanyakumari District.
- 3.The Inspector of Police,
Kulasekaran Police Station,
Kanyakumari District.

Copy to:-

The Sessions Court,
Nagercoil.

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