



W.P.(MD)No.8019 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8019 of 2024

Nithishkumar

... Petitioner

Vs

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

2.The Inspector of Police,
Vempakkottai Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue a passport to the petitioner by considering the petitioner's passport application vide File No.MD3066259925524 within a stipulated period as prescribed by this Court.

For Petitioner : Mr.S.M.Anantha Murugan



WEB COPY



W.P.(MD)No.8019 of 2024

For R-1 : Mr.K.Govindarajan
DSGI

For R-2 : Mr.R.Albert James
Government Advocate
(Criminal Side)

ORDER

Heard both sides.

2. The petitioner has secured admission in the University of Greenwich, London. The communication dated 23.03.2024 received from the University has called upon the petitioner to remit the fees and upload the copy of the petitioner's passport. The petitioner is therefore applied to the first respondent for issuance of the passport. The application could not be processed because the petitioner is facing trial in C.C.No.74 of 2023 on the file of the learned Judicial Magistrate-II, Sattur, for the offences punishable under Sections 279 and 304 (A) IPC. It appears that the petitioner was involved in the case of fatal accident on 08.11.2022, based on which Crime No.316 of 2022 was registered on the file of the second respondent.

3. Taking into account the special facts and circumstances of the case, the first respondent is directed to issue passport to the petitioner. The validity period will be restricted to 3 years. The petitioner should file a petition under



W.P.(MD)No.8019 of 2024

Section 205 of Cr.P.C before the learned Judicial Magistrate No.II, Sattur within a period of three days from the date of receipt of a copy of this order. The petitioner should execute special vakalat in favour of an Advocate, so that during the intervening period, the petitioner can be represented and the trial will not be stalled on account of the petitioner's absence. When such a petition is filed, it shall be allowed by the learned Trial Magistrate. The copy of the passport shall be issued by the first respondent to the petitioner on production of the order passed by the learned Trial Magistrate under Section 205 Cr.P.C. The learned Trial Magistrate shall not only allow the petitioner's application, but shall issue the order copy on the same date.

4. In view of the above, this Writ Petition is allowed. No costs.

27.03.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 28.03.2024.



W.P.(MD)No.8019 of 2024

To
WEB COPY

- 1.The Judicial Magistrate No.II,
Sattur.
- 2.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 3.The Inspector of Police,
Vempakkottai Police Station,
Virudhunagar District.



WEB COPY



W.P.(MD)No.8019 of 2024

G.R.SWAMINATHAN, J.

Nsr

W.P.(MD)No.8019 of 2024

27.03.2024