



W.P(MD)No.10993 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10993 of 2024

and

W.M.P.(MD)No.9788 of 2024

S.Rameshkumar

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

2.The Inspector of Police,
West Police Station,
Virudhunagar District.
(Crime No.474/2014)

3.The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime Nos.21,35,36/2014)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's impugned letter Ref.No.FCL/317283131/24 dated 06.03.2024 and quash the same and consequently direct the 1st respondent to renew the petitioner passport by considering the petitioner



W.P(MD)No.10993 of 2024

application No.MD1075172132123 dated 15.03.2023 and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.K.Maharajan
for R1

: Mr.A.Albert James
Government Advocate (Crl.side) for R2 & R3

ORDER

Heard both sides.

2.The petitioner seeks renewal 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 case registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No.45 of 2019 on the file of the Judicial Magistrate, Tirunelveli.



W.P(MD)No.10993 of 2024

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 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.

01.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.10993 of 2024

G.R.SWAMINATHAN, J.

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To

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W.P(MD)No.10993 of 2024

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