



W.P(MD)No.11869 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11869 of 2024

Saravanamuthu

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office-Trichy,
New Municipal Complex,
Thillainagar 7th Cross,
Trichy-620 018.

2.The Inspector of Police,
Keezhaiyur Police Station,
Kilvelur Taluk,
Nagapattinam District.

... 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 in Letter Ref. No. OBJ/317743259/24 dated 23.04.2024 and quash the same and consequently direct the 1st respondent to Re-issue the passport to the petitioner forthwith within the time frame stipulated by this Court.

For Petitioner : Mr.S.I.Muthiah

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side) for R2



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ORDER

Heard both sides.

2. The case against the petitioner was pending on the file of the Judicial Magistrate, Kilvelur in P.R.C.No.43 of 2023. It is the specific stand of the petitioner's counsel that the case has since been committed to the Court of session. It is not known if the criminal case has been made over to any particular Court.

3. In these circumstances, the petitioner is permitted to file MP before the learned Principal Sessions Judge, Nagapattinam seeking 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.



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4. 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.

5. This writ petition is disposed of accordingly. No costs.

10.06.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

The Inspector of Police,
Keezhaiyur Police Station,
Kilvelur Taluk,
Nagapattinam District.



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G.R.SWAMINATHAN, J.

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