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W.P.(MD)NO.12839 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12839 of 2024

Balasubramanian

... Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
The Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai – 625 002.

2. The Inspector of Police,
TIW-III police station,
Thideer Nagar police station,
Madurai City.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to re-issue passport to the petitioner by considering the petitioner's application in file No.MD1075506548723 as well as the petitioner's representation dated 22.03.2024 within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.S.Jeyakarthik
For R-1	: Mr.M.Ashokkumar, Central Government Standing counsel.
For R-2	: Mr.A.Albert James, Government Advocate.

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ORDER

Heard both sides.

2.The petitioner seeks re-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 case registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No.604 of 2020 on the file of the Judicial Magistrate No.V, Madurai.

4.The petitioner is given liberty to move the trial Court for the relief now sought for. Since the case on hand involves the offence under Section 304A IPC, I am certain that the Court below will grant relief to the petitioner. Of course appropriate conditions can be stipulated. 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.

18.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

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The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai – 625 002.
2. The Inspector of Police,
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G.R.SWAMINATHAN,J.

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