



W.P(MD)No.17653 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17653 of 2024

Bala Ganesan

... Petitioner

Vs.

1.The Regional Passport Officer,
New Municipal Complex,
Thillai Nagar, 7th Cross,
Trichirappalli – 620 018.

2.The State represented by
The Inspector of Police,
Q Branch CID,
Chennai.
(Crime No.1 of 2019)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue passport based on the petitioner's application in File No.TR1076466959124, dated 15.05.2024.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.M.Karthikeya Venkatachalapathy
Senior Panel Counsel
for R.1



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Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2

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 case registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No. 9007 of 2022 on the file of Metropolitan Magistrate Court – II, Chennai, Egmore.

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



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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. There shall be no order as to costs.

30.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



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G.R.SWAMINATHAN,J.

MGA

To

- 1.The Regional Passport Officer,
New Municipal Complex,
Thillai Nagar, 7th Cross,
Trichirappalli – 620 018.
- 2.The Inspector of Police,
Q Branch CID,
Chennai.

Copy to

The Metropolitan Magistrate Court – II, Chennai, Egmore

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