



W.P(MD)No.21622 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21622 of 2024

Prasanth

... Petitioner

Vs.

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

2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(In Crime No.244 / 2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue passport to the petitioner by considering the petitioner's passport application in File No.MD5076814379724 within the time frame fixed by this Court.

For Petitioner : Mr.KR.Bharathi Kannan

For R1 : Mr.C.Nandagopal,
Central Government Standing Counsel

For R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate



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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) appearing for the 2nd respondent submitted that the criminal case registered against the petitioner has been charge sheeted and it has been taken on file in S.T.C.No.1004 of 2024 on the file of the learned Judicial Magistrate, Karaikudi.

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. Therefore, the trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of



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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. In view of the above terms, this Writ Petition is disposed of. No costs.

11.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.



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N.SATHISH KUMAR, J

Yuva

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