



Crl.O.P.(MD)No.16872 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16872 of 2024

Yaser Arafat

... Petitioner

Vs.

The Sub Inspector of Police,
Thuckalay Police Station,
rep. by the Public Prosecutor
(Crime No.600 of 2021)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crl.M.P.No.2985 of 2024 on the file of the learned Judicial Magistrate Court No.1, Padbanabapuram dated 16.07.2024 and to set aside the same.

For Petitioner : Mr.G.Cenil

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition is directed against the order passed in Crl.M.P.No.2985 of 2024 in S.T.C.No.551 of 2022 dated 16.07.2024



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on the file of the Judicial Magistrate No.1, Padmanabhapuram, dismissing the application seeking permission to renewal of the passport.

2. It is not in dispute that the petitioner has earlier filed a writ petition in W.P.(MD)No.18912 of 2022 seeking a writ of mandamus directing the Regional Passport Office, Madurai to re-issue the passport to the petitioner within the time period stipulated by this Court and this Court, after conducting enquiry, has issued the following directions:-

“4. The Writ Petition is disposed of with the following directions:-

(a) The petitioner is directed to submit a fresh representation to the third respondent enclosing the web copy of this order made in this writ petition.

(b) Immediately on receipt of such representation, the passport of the writ petitioner shall be re-issued / renewed for a period of two years.

(c) On such re-issuance / renewal, the petitioner has to necessarily move the jurisdictional criminal Court for travelling out of India thereafter. As and when such an MP is filed, the same shall be disposed of by the jurisdictional criminal Court within a period of two weeks thereafter.”



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3. The learned counsel appearing for the petitioner would submit that in pursuance of the direction of this Court, the petitioner has filed the petition in Crl.M.P.No.2985 of 2024 for renewing the passport for a period of two years and the learned Magistrate dismissed the same on the ground that the petitioner had not taken part in the enquiry for four hearings.

4. The learned counsel appearing for the petitioner would further submit that due to boycott of advocates, there was no representation before the learned Magistrate and not taking part in the enquiry is neither willful nor wanton.

5. Since the petition was dismissed mainly on the ground that the petitioner had not taken part in the enquiry, this Court is of the view that the petitioner should be given one more opportunity to take part in the enquiry and hence, the impugned order dated 16.07.2024 is hereby set aside and the matter is remitted back to the learned Judicial Magistrate No.1, Padmanabhapuram for conducting enquiry afresh and pass orders in accordance with law within a period of two weeks from the date of



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receipt of a copy of this order.

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6. With the above direction, this Criminal Original Petition is allowed.

03.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

Note : Issue order copy on 19.11.2024

To

- 1.The Judicial Magistrate No.1,
Padmanabhapuram.
- 2.The Sub Inspector of Police,
Thuckalay Police Station,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.16872 of 2024

Dated: 03.10.2024