



Crl.O.P(MD)No.17506 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P(MD)No.17506 of 2024

S.R.Srinivasan

... Petitioner / Accused No.5

Vs.

**State of Tamilnadu
Through the Inspector of Police,
CBI-ACB, Chennai,
in RC MA 1 2015 A 0007**

... Respondent / Complainant

Prayer : This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records of the impugned order passed in Crl.M.P.No.2928 of 2024 dated 13.08.2024 in Crl.M.P.No.1716 of 2013 in C.C.No.11 of 2017 dated 13.08.2024 passed by the learned II Additional District Judge (CBI Cases), Madurai and set aside the same and to pass a consequential order directing the 2nd respondent to renew the passport (J7697607) for a full validity period of 10 years.

**For Petitioner : Mr.N.Anantha Padmanabhan
Senior Counsel
for M/s.APN Law Associates**

**For Respondent : Mr.M.Karunanithi
Special Public Prosecutor**



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ORDER

This Criminal Original Petition is filed to call for the records of the impugned order passed in Crl.M.P.No.2928 of 2024 dated 13.08.2024 in Crl.M.P.No.1716 of 2013 in C.C.No.11 of 2017 dated 13.08.2024 passed by the learned II Additional District Judge (CBI Cases), Madurai and set aside the same and to pass a consequential order directing the 2nd respondent to renew the passport (J7697607) for a full validity period of 10 years.

2. The facts in brief is that the petitioner is facing charges under Section 120 B read with 420, 408, 409, 477A, 471 and 201 of IPC along with Section 13(2) read with 13(1)(d) of PC Act, 1988, before the trial Court in C.C.No.11 of 2017. Pending the trial process, the petitioner took steps for renewal of his passport bearing No.J7697607. As per the advice of the passport authorities, the petitioner approached the trial Court for granting no objection certificate. That first application was filed on 01.12.2023 in Cr.M.P.No.1716 of 2023. In that petition, the Inspector of Police, CBI, Chennai was shown as a respondent. Therein, it is stated that the original passport was issued in the year 2011. It expired on 08.09.2021. The daughters of the petitioner are residing out of India, so he has to travel abroad



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for three months to attend the children. That was objected by the respondent herein by filing counter stating that the trial is going to be commenced and it will be disposed of within the time and if the petitioner is allowed to renew the passport, he may abscond to foreign countries evading the judicial process. After hearing both sides, the trial Court allowed the applications, granted permission to the petitioner to renew the passport by proper application before the passport authorities. That was ordered on 01.12.2023.

3. He moved another application in Crl.M.P.No.2928 of 2024 seeking a time bound period, which is impugned in this petition. In that petition, he stated that in pursuance of the earlier order, he approached the passport authorities and the passport was extended up to January, 2025. They advised the petitioner to approach the trial Court to get proper order extending the validity period. On that account, he approached the trial Court stating that he has to attend delivery of her daughter. He will return back to India within six months. So he wanted an order from the trial Court, for the full period of 10 years. That was objected by the respondent herein again and after hearing both sides, the trial Court thought it fit to grant permission to the petitioner to get the renewal passport for three years. Apart from that the petitioner was also directed to get permission from the trial Court, if he wants



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to visit abroad. The order was passed on 13.08.2024. Against which this petition is filed seeking the order of renewal renewal for 10 years.

4. Heard both sides.

5. First of all, the passport authority was not added as a party before this Court. Only the respondent who is the complainant in the criminal case is before this Court. But however in the absence of passport authorities, the matter can be disposed of. Only a short point arises for consideration. Whether such request of the petitioner is maintainable at this stage.

6. Learned Senior Counsel appearing for the petitioner would submit that he has to visit abroad frequently for attending their daughter and that if the time period is not extended he will face difficulties.

7. The case is of the year 2017. No time limit is prescribed for disposing the Calendar case. How much time it will take, is also not known. If the petitioner got any necessity for extending the period, beyond the period now permitted, he can very well approach the trial Court, if the case is not disposed of till the time. If the case is disposed of, he can very well approach the passport authorities for renewal. At present it appears that no necessity



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arises for extending the validity period of total 10 years. When the trial Court considered the request for the validity period of 10 years but has chosen to restrict the period, unless it is shown to the Court that the above said order is not legal, this Court cannot interfere into the discretionary order. As mentioned above, as of now there is no necessity for the petitioner to get the validity time of 10 years in full. As mentioned above he can approach the Court depending upon the stage of the trial as well as its necessity for renewal.

8. With that observation, this Criminal Original Petition stands disposed of.

23.10.2024

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

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To

1. The II Additional District Judge (CBI Cases), Madurai.
2. The Inspector of Police, CBI-ACB, Chennai,
in RC MA 1 2015 A 0007



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G.ILANGO VAN, J.

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