



W.P.(MD).No.25866 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25866 of 2024

Mahmood Ahmed Ibrahim

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanniyakumari District.
In Crime No.47 of 2021

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to renew petitioner's passport bearing No.M3216200 vide passport application ARN No.24-2004757024 for validity of four years.

For Petitioner : Mr.V.Ramamurthy
For Respondents : Mr.R.Senthilkumar (for R1)
Mr.M.Vaikkam karunanithi (for R2)
Government Advocate (Crl.side)



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ORDER

Heard both sides.

2.The petitioner seeks renewal 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.285 of 2024 on the file of learned Judicial Magistrate No.I, Nagercoil.

4. It is also stated by the learned counsel for the petitioner that he has filed an application through embassy before the trial Court.

5. In such view of the matter, the trial Court is directed to process the application filed by the petitioner and disposed of the same, within a week from the date of receipt of a copy of this order. The learned trial



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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.

6. 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.

7. This writ petition is disposed of accordingly. No costs.

29.10.2024

Index : Yes / No
NCC : Yes / No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

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2.The Inspector of Police,
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