



W.P.(MD).No.26158 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.26158 of 2024

Aniesh Vishnu

... Petitioner

Vs.

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

2.The Assistant Passport Officer,
Passport Seva Kendra,
Tirunelveli.

3.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

... 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 respondents to accept petitioner's application afresh under File NO.MD2067007432524 and issue fresh passport to the petitioner within a time stipulated by this Court.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.S.Karthik (for R1)
Mr.M.Vaikkam Karunanithi (for R3)
Government Advocate (crl.side)



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ORDER

WEB COPY 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.237 of 2024 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram.

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. The petitioner's career and avocation may be at stake if he is denied the right to go abroad. Therefore, the trial



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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. No costs.

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Index : Yes / No

NCC : Yes / No

Rmk

To

1. The Regional Passport Officer,
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Race Course Road, Madurai,
Tamil Nadu 625 002.

2. The Inspector of Police,
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N.SATHISH KUMAR, J.

Rmk

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