



CrI.O.P.(MD).No.10 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD).No.10 of 2023

Kumaran@muthukumaran

... Petitioner

Vs.

1. The Regional Passport Officer
Regional Passport Office,
Madurai District.

2. The Inspector of Police
Keelavalavu Police Station,
Madurai District.
Crime No.196 of 2016.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order dated 03.10.2022 made in Cr.M.P.No.2841 of 2022 in P.R.C.No.15 of 2018 on the file of the learned Judicial Magistrate. Melur.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr. B.Thanga Aravindh
Government Advocate (CrI.side) for R2

: No appearance for R1



CrI.O.P.(MD).No.10 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed challenging the impugned proceedings of the learned Judicial Magistrate, Melur, in Cr.M.P.No.2841 of 2022 in P.R.C.No.15 of 2018, dated 03.10.2022, dismissing the application filed by the petitioner seeking for no objection to issue passport for the petitioner.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The case of the prosecution is that the accused persons waylaid the defacto complainant and abducted him and tookaway Rs.3,00,000/- from him. There are totally six accused persons in this case. The petitioner has been arrayed as A5.

4. The investigation was completed and the police report was filed before the Judicial Magistrate, Melur and the same was taken on file in P.R.C.No.15 of 2018. The petitioner filed an application seeking for no objection to issue passport for the petitioner. The Court below dismissed



CrI.O.P.(MD).No.10 of 2023

WEB COPY this application on the ground that there is absolutely no progress in the case and the other accused persons are continuously absconding. As a result of which, non bailable warrant has been issued against them. Therefore, the Court below came to the conclusion that if passport is issued to the petitioner, he will escape out of India. Accordingly, the application was dismissed.

5. In the considered view of this Court, the petitioner has only sought for no objection to apply for passport. Ultimately, it is for the passport authority to decide as to whether the passport must be issued to the petitioner, in the light of the criminal proceedings pending against him. That will be an independent consideration. Insofar as the passport authorities are concerned, since the case is pending before the Court below, the petitioner has sought for permission to apply for passport. By granting that permission, that by itself will not give rise to a presumption that the passport will be issued to the petitioner and the petitioner will use it and abscond to some other country. Such presumption is farfetched.



CrI.O.P.(MD).No.10 of 2023

WEB COPY

6. In the light of the above discussion, the impugned proceedings on the file of the learned Judicial Magistrate, Melur, in Cr.M.P.No.2841 of 2022 in P.R.C.No.15 of 2018, dated 03.10.2022, is hereby set aside. It is left open to the petitioner to submit his application before the Regional Passport Office, Madurai District, and the same shall be considered on its own merits, in accordance with law.

7. In the result, this Criminal Original Petition stands disposed of with the above terms.

18.11.2024

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



CrI.O.P.(MD).No.10 of 2023

To

WEB COPY

1. The Judicial Magistrate,
Melur.
2. The Regional Passport Officer
Regional Passport Office,
Madurai District.
3. The Inspector of Police
Keelavalavu Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.10 of 2023

N.ANAND VENKATESH,J.

LS

Order made in
Crl.O.P.(MD).No.10 of 2023

18.11.2024