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WMP.No.33941 of 2025

WMP.No.33941 of 2025

in

W.P.No.8336 of 2025

D.BHARATHA CHAKRAVARTHY, J.

This Writ miscellaneous petition has been listed today under the caption 'For being mentioned' at the instance of the Registry.

2. It is brought to my notice that, this Court, vide order dated 11.08.2025 made in WMP.No.33941 of 2025 modified the conditions imposed in paragraph No.5 of the order dated 11.03.2025 passed in W.P.No.8336 of 2025. However, the clause relating to imposition of cost and the connected Miscellaneous petition being closed has not been mentioned.

3. In view of the above, paragraph No.7 of the order dated 11.08.2025 made in WMP.No.33941 of 2025 shall stand replaced with the following paragraph:-

“7. In view thereof, this modification petition is ordered and the paragraph 5 of the order dated 11.03.2025



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made in W.P.No.8336 of 2025 is replaced with the following paragraph:

“In view thereof this Writ petition is disposed of on the following terms:-

(i) The petitioner has now got visa to work in Kuwait, the petitioner is permitted to leave abroad on condition that, the petitioner shall file an affidavit before the committal court undertaking to appear for the necessary hearings, for committal and thereafter for charge framing and questioning and any such hearing that may be insisted upon by the trial court.

(ii) The petitioner shall also file an affidavit before the Investigating authority informing his Passport number, his likely place of address, the telephone number which he will be using and if he has not acquired one, after acquiring the number, he shall also intimate thereafter in writing through his counsel to the trial court as well as the investigating authority.

(iii) The petitioner shall also authenticate one E-mail ID stating that, he is using the said E-mail and that any communication sent through that E-mail can be termed as authenticated E-mail. Similarly, the mobile phone/mobile number authentication shall also be furnished by the accused.

(iv) The petitioner shall furnish a notarised copy of the passport and visa before the trial court and also before the investigating authority.

(v) One relative surety of worth Rs.25,000/- shall also be produced and the petitioner shall also execute a bond for a sum of Rs.25,000/- and upon furnishing the surety order, the learned Magistrate shall pass an order accepting the surety. Upon



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production of the said order, the 1st respondent shall issue the police clearance certificate to enable the petitioner to travel abroad for sustenance of his livelihood.

(vi) There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.”

4. All the other observations and conditions made in the earlier order dated 11.08.2025 shall remain intact, except for the above said correction.

5. Registry is directed to carry out the necessary correction and issue a fresh copy of the order dated 11.08.2025 to the learned counsel for the parties.

28.08.2025

skt



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WMP.No.33941 of 2025

D.BHARATHA CHAKRAVARTHY, J.

skt

WMP.No.33941 of 2025

in

W.P.No.8336 of 2025

28.08.2025



WMP.No.33941 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**

WMP.No.33941 of 2025

in

W.P.No.8336 of 2025

Ahamad Basha Allah Basha

...Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Government of India,
Royala Towers No.2 & 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

2. The State rep. by,
Sub-Inspector of Police,
Sattanur Dam Police Station, Sattanur Dam,
Tiruvannamalai District.

...Respondents

Writ miscellaneous petition filed under Article 226 of Constitution of India seeking to suitably modify the order passed in W.P.No.8336 of 2025 dated 11.03.2025 to enable the petitioner to report at Kuwait.



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WMP.No.33941 of 2025

For Petitioner : Mr.S.Udaya Kumar

For Respondents : Mr.M.Sathyan, ACGSC, for R1
: Mr.J.Subbiah, GA (Crl. Side), for R2

ORDER

This Writ miscellaneous petition is filed to modify the order dated 11.03.2025 made in W.P.No.8336 of 2025, by which order, the prayer to quash the order dated 07.01.2025 issued by the 1st respondent and not to initiate any action to surrender the passport was considered by this Court.

2. After finding that, a criminal case is pending against the petitioner in PRC.No.6 of 2023, the petition was ordered with a condition that if the petitioner has to go abroad, permission has to be given by the trial court.

3. Accordingly, it is stated by the learned counsel for the petitioner that, when an application was filed in Cr.MP.No.92 of 2025, the trial court has passed an order stating that, since the offence is punishable by the Sessions Court, it cannot grant the permission. Hence, this petition.



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4. As a matter of fact, so long as the committal is pending, the learned Magistrate could have also granted permission. In view of the number of accused involved, the case is also not committed and pending in PRC.

5. The nature of the offence, in which the petitioner is involved is also taken into account. It is stated that the accused is being tried for the offence u/s. 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC r/w. section 3 & 4 of the Prohibition of Harassment of Women Act, 2002. There are totally 38 accused and the allegation against the petitioner is that he was also part of the mob.

6. Learned counsel for the petitioner submits that now he has got Work Visa for working as a driver in Kuwait and he is going there for sustenance of his livelihood and the learned counsel submits that the petitioner will definitely appear, if the entire case is committed or if the case is split up also. Hence, he submits that, it would suffice, if the petitioner is permitted to travel abroad for his avocation.



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7. In view thereof, this modification petition is ordered and the condition imposed by the order of this Court dated 11.03.2025 in W.P.No.8336 of 2025 contained in paragraph 5 is modified as under:

“In view thereof this Writ petition is disposed of on the following terms:-

(i) The petitioner has now got visa to work in Kuwait, the petitioner is permitted to leave abroad on condition that, the petitioner shall file an affidavit before the committal court undertaking to appear for the necessary hearings, for committal and thereafter for charge framing and questioning and any such hearing that may be insisted upon by the trial court.

(ii) The petitioner shall also file an affidavit before the Investigating authority informing his Passport number, his likely place of address, the telephone number which he will be using and if he has not acquired one, after acquiring the number, he shall also intimate thereafter in writing through his counsel to the trial court as well as the investigating authority.

(iii) The petitioner shall also authenticate one E-mail ID stating that, he is using the said E-mail and that any communication sent through that E-mail can be termed as



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WMP.No.33941 of 2025

authenticated E-mail. Similarly, the mobile phone/mobile number authentication shall also be furnished by the accused.

(iv) The petitioner shall furnish a notarised copy of the passport and visa before the trial court and also before the investigating authority.

(v) One relative surety of worth Rs.25,000/- shall also be produced and the petitioner shall also execute a bond for a sum of Rs.25,000/- and upon furnishing the surety order, the learned Magistrate shall pass an order accepting the surety. Upon production of the said order, the 1st respondent shall issue the police clearance certificate to enable the petitioner to travel abroad for sustenance of his livelihood.

8. With the above modifications, this Writ Miscellaneous petition is disposed of. Registry is directed to carryout the aforesaid modifications in the order dated 11.03.2025 and issue fresh order copies to the parties. All the other observations made in the earlier order dated 11.03.2025 shall remain intact. No costs.

11.08.2025

skt

Neutral Citation Case : Yes/No

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1. Regional Passport Office,
Ministry of External Affairs,
Government of India,
Royala Towers No.2 & 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai – 600 002.
2. The Sub Inspector of Police,
Sattanur Dam Police Station, Sattanur Dam,
Tiruvannamalai District.



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D.BHARATHA CHAKRAVARTHY, J.

skt

WMP.No.33941 of 2025
in
W.P.No.8336 of 2025

11.08.2025



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WMP.No.33941 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA**

CHAKRAVARTHY

W.P.No.8336 of 2025

and

W.M.P.No. 9345 of 2025

AHAMAD BASHA ALLAH BASHA

... Petitioner

Vs

1. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA,
ROYALA TOWERS NO.2 AND 3,
IV FLOOR, OLD NO.785,
NEW NO.158, ANNA SALAI,
CHENNAI-600 002.

2. THE STATE REP. BY,
SUB - INSPECTOR OF POLICE,
SATTANUR DAM POLICE STATION,
SATTANUR DAM,
TIRUVANNAMALAI DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for records of the first respondent in File No.MA8086938228724, Letter Ref.No.SCN/320436207/25 dated

12/17



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07.01.2025 on the file of the first respondent not to initiate any action and impound surrender the passport bearing C1568469 dated 28.08.2024 and consequently direct the first respondent to issue Police Clearance Certificate.

For Petitioner : Mr.S.Udaya Kumar
For R1 : Mr.M.Sathyan (ACGSC)
For R2 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The prayer of the petitioner is to call for the records in respect of the Letter Ref.No.SCN/320436207/25 dated 07.01.2025 and not to initiate any action to impound or surrender the passport bearing C1568469 dated 28.08.2024 and consequently direct the first respondent to issue Police Clearance Certificate.

2. Upon perusal of the impugned order, it is in the form of a show cause notice, as to why the passport should be impounded.

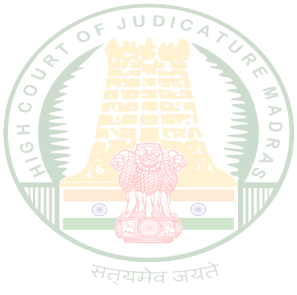
3. After hearing the learned counsel for the petitioner and perusing the material records of the case, it seems that the grievance of the petitioner



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is that he has secured employment in Kuwait and he wanted to go to that country to earn his livelihood. However, a police Clearance certificate is being insisted upon. It is seen that a criminal case in P.R.C. No. 6 of 2023, is pending before the learned Judicial Magistrate, Thandampattu, Thiruvannamalai District. Therefore, if the petitioner wants to go abroad for his livelihood, he must first seek permission from the concerned Court. Once permission is granted, the first respondent can decide to issue the police Clearance certificate and there will be no need to impound the passport in that regard.

4. The Honourable Division Bench of this Court has already considered this issue in the judgment in ***Regional Passport Officer v. Samsudeen Mohamed Salih (W.A.No.902 of 2023)***, wherein it was held that the pendency of a criminal case need not be a bar to holding a passport. Therefore, impounding the passport is not necessary. What is required is that, before leaving the country, the petitioner has to take the permission from the concerned Court. Once the Court grants permission, the first respondent can proceed with issuing the police clearance certificate.



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terms:-

(i) If the petitioner wants to go for employment in Kuwait or any other country, the petitioner shall make an appropriate application in the pending P.R.C.No. 6 of 2023 before the Judicial Magistrate, Thandampattu, Thiruvannamalai District and the same shall be considered in accordance with law by the said Court.

(ii) Once permission is granted by the trial court, the first respondent shall take a call in issuing the police clearance certificate, enabling the petitioner to pursue his livelihood in a foreign jurisdiction. For the said purpose, the passport of the petitioner need not be impounded.

(iii) Consequently, connected miscellaneous petition is closed. No costs.

11.03.2025

Neutral Citation: Yes/No
nsl



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1. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA,
ROYALA TOWERS NO.2 AND 3,
IV FLOOR, OLD NO.785,
NEW NO.158, ANNA SALAI,
CHENNAI-600 002.
2. THE STATE REP. BY,
SUB - INSPECTOR OF POLICE,
SATTANUR DAM POLICE STATION,
SATTANUR DAM,
TIRUVANNAMALAI DISTRICT.



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D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.8336 of 2025

11.03.2025