



Crl.O.P.(MD)No.1272 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1272 of 2025

Lingam

: Petitioner

Vs.

1.State of Tamil Nadu,
rep., by the Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No.87 of 2022

2.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai 625 002

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned order passed in Cr.M.P.No. 4630 of 2024 dated 12.12.2024 on the file of the District Munsif cum Judicial Magistrate, Kadaladi and set aside the same and grant no objection for renewal of the petitioner's passport for a period of five years.

For Petitioner : Mr.R.Venkateswaran

For R1 : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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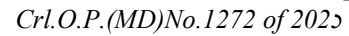
For R2

: Mr.S.Karthik
Central Government Standing Counsel

ORDER

The petitioner, who is an accused in CC.No.101 of 2024 and facing trial for the offence under Sections 148, 294(b), 323 and 506(2) of IPC. There was dispute with the neighbour and the relatives, the case has been registered. The contention of the petitioner is that the petitioner was employed in Dubai for the past 20 years and he has been given visa for two years, which is renewal periodically. The petitioner family is residing in his native. The petitioner's passport is getting expired and he has to renew his passport. When the application of renewal was submitted, the second respondent/passport authority informed that since the criminal case is pending, the petitioner is entitled for one year renewal or any specific period as prescribed by the Court. For that reason, the petitioner has filed a petition in Cr.M.P.No.4630 of 2024. The trial Court though had narrated in favour of the petitioner, but dismissed the petition, against which, the present petition. Since the petitioner is the only bread winner of the family, he sought for renewal for five years.

2. The learned counsel for the petitioner referred to the judgment of the Hon'ble Supreme Court in the case of *Vangala Kasturi*



SCC OnLine SC 3549, wherein the Hon'ble Apex Court had directed the passport authority to process the application of the applicant therein without raising objection relating to pendency of the Criminal Appeal and granted permission for renewal of the Passport. The only apprehension is that the petitioner should be available during the trial, to which the petitioner undertakes to appear and assures that he will not be the cause of any delay in the progress of the trial. Hence, seeks direction of this Court.

3. The learned Additional Public Prosecutor submitted that it is the dispute between neighbors and relatives. The petitioner is facing case and trial is not pending. There are totally 11 accused in this case and the case is not pending at the instance of the petitioner.

4. The learned counsel appearing for the second respondent Passport Authority submitted that in this case, the petitioner is an under-trial and not a convict. It is the regular practice that when the Passport Authorities become aware of any criminal case pending against an applicant, the passport is put on hold. If there is no objection from the concerned Court, the passport may be renewed. Normally, individuals facing criminal cases



are not granted the standard renewal period of ten years, and the renewal is restricted based on the Court's order. If appropriate orders are issued, the Passport Authority has no objection to renew the petitioner's passport.

5. Considering the submissions and after perusing the materials, this Court finds that the right to travel is a fundamental right and cannot be denied merely because a criminal case is pending against the applicant. Admittedly, the petitioner is only an under-trial and not a convict and the appearance of other accused is yet to be completed. The issue arises out of sharing of common area between neighbors. The petitioner employed in Dubai for the past twenty years and he needs to travel abroad in furtherance of his career and life prospects. In view of the same, this Court finds that the impugned order is not sustainable. Hence, the impugned order is set aside and the learned District Munsif cum Judicial Magistrate, Kadaladi, is directed to give no objection for renewal of the petitioner's passport for a period of five years, subject to the condition that whenever the petitioner intends to travel abroad for employment, he must file an affidavit detailing his travel itinerary, place of stay, communication details, and an undertaking that his identity will not be disputed at any point of time. Furthermore, the petitioner must agree to the recording of



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evidence and ensure that his travel will not cause any delay in the progress of the trial and he shall appear before the trial Court on the specified dates when his presence is absolutely necessary.

6. With the above directions, this Criminal Original Petition is allowed.

24.01.2025

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

To

- 1.The District Munsif cum Judicial Magistrate, Kadaladi.
- 2.The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
- 3.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai 625 002
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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