



Crl.O.P(MD)No.4874 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.4874 of 2025

Irudhaya Rojers

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Koodankulam Police Station, Tirunelveli District.
Crime No.384 of 2021.

2. The Regional Passport Officer,
Regional Passport Office,
Race Course Road, Bharathi Ula Veethai,
Madurai.

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to set aside the order in Crl.M.P.No.5374 of 2024 in C.C.No.411 of 2022 dated 09.09.2024 on the file of the learned District Munsif Cum Judicial Magistrate, Radhapuram and consequently directing the 2nd Respondent to renew the petitioner's passport bearing No.M7591540 as mandatory period of 10 years.

For Petitioner : Mr.M.Laxmi Mahendraa

For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate (Crl.Side)

Mr.K.Govindarajan (R2)
Deputy Solicitor General of India



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ORDER

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This Criminal Original Petition has been filed to set aside the order in Crl.M.P.No.5374 of 2024 in C.C.No.411 of 2022, dated 09.09.2024 on the file of the learned District Munsif Cum Judicial Magistrate, Radhapuram.

2.The learned counsel for the petitioner would submit that the petitioner is the 4th accused in C.C.No.411 of 2022, on the file of District Munsif - cum - Judicial Magistrate, Radhapuram. The petitioner has filed a petition before the trial Court for grant of NOC for renewal of passport in passport bearing No.M7591540. The trial Court has also allowed the petition by imposing some conditions, one of such condition is that the passport to be valid for one year from the date of issue. The petitioner wants to go abroad for employment. Therefore, imposing such condition would affect his carrier and livelihood, since the Companies cannot offer job. Hence, the said condition has to be relaxed. Already this Court has also given liberty to the petitioner to file an application under section 205 Cr.P.C., while so, the petitioner appearance no way delay the trial before the trial Court. Hence, the order of the trial Court has to be relaxed.



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3.The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that now the petitioner is the fourth respondent in this case and the case is posted for trial. At this stage, the presence of the petitioner is required. This Court in WP(MD) No.18184 of 2024, dated 01.08.2024 has observed that

“....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 son's absence from India....”

Therefore, the trial Court has granted permission for only one year.

4.Heard the learned counsel on either sides and perused the materials available on record.

5.According to the petitioner, he is one of the accused and he has to go to abroad for his employment, thereby, he approached the trial Court for renewal of passport and to grant no objection. The trial Court has also granted no objection for renewal of passport, however,



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imposed a condition that the passport should be valid for one year.

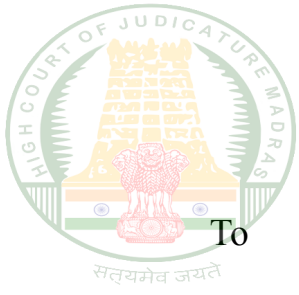
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6.Since the employer of the petitioner offered employment for 10 years, the condition imposed by the trial Court for one year, would certainly affect the employment opportunities of the petitioner. Already this Court has also granted liberty to file an application under Section 205 Cr.P.C and the petitioner also gave an undertaking to ensure his presence for the trial, therefore, in order to safeguard the employment of the petitioner and his livelihood, this Court is inclined to relax the aforesaid condition.

7.Accordingly, this petition is allowed by relaxing the 'condition No.a' alone imposed in Crl.M.P.No.5374 of 2024 in C.C.No. 411 of 2022, dated 09.09.2024 passed by the learned District Munsif Cum Judicial Magistrate, Radhapuram. The other conditions are remains unaltered.

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Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM



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2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.384 of 2021.

3. The Regional Passport Officer,
Regional Passport Office,
Race Course Road,
Bharathi Ula Veethai,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

PNM

ORDER IN
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