



W.P.(MD)No.8077 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8077 of 2025

and WMP (MD) Nos.6079 & 6080 of 2025

Sam. G. Jeba Joselin

: Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2.The State of Tamil Nadu,
Rep. by its Sub-Inspector of Police
Marthandam Police Station
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the respondent Regional Passport Officer in Ref No.IMP/315609661/23 dated 25.08.2023 quash the same and further direct the respondent to return the petitioners passport bearing passport No.S6961930 issued on 12.10.2018 within a reasonable time as may be fixed by this Honourable Court.



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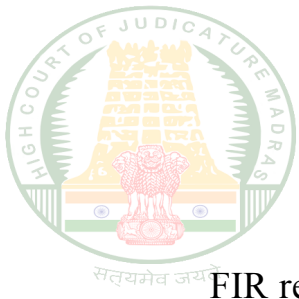
For Petitioner : Mr. K.Ragatheesh
M/s. Isaac Chambers

For Respondents : Mr.V.Malaiyendran
CGSC for R1
Mr.K.Gnanasekaran
Government Advocate (Crl. Side) for R2

ORDER

This writ petition has been filed challenging the impugned proceedings issued by the first respondent in Reference No.IMP/315609661/23, dated 25.08.2023 and for a consequential direction to the first respondent to return the petitioner's passport bearing passport No.S6961930 issued on 12.10.2018 within the specific time frame.

2. The learned counsel for the petitioner submitted that the two FIRs registered against the petitioner were quashed by this Court vide order dated 26.09.2023 in Crl.O.P.(MD) No.14708 of 2023 and on 02.01.2025 in Crl.O.P.(MD) No.22580 of 2024. Additionally, another



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FIR registered against the petitioner in Crime No.257 of 2011 was taken on file in C.C.No.261 of 2018 before the learned Judicial Magistrate No. 1, Kuzhithurai and resulted in an acquittal. The sole remaining case, registered in Crime No.448 of 2019, was taken on file in S.T.C.No.1575 of 2022 before the learned Judicial Magistrate No.1, Kuzhithurai, where the petitioner was sentenced to three months of simple imprisonment and a fine of Rs.2,000/-. The fine has been duly paid by the petitioner and the petitioner has preferred an appeal against the sentence of three months simple imprisonment, which is currently pending. Furthermore, the petitioner has been granted an order for suspension of sentence. Therefore, the impounding of the passport is in violation of Section 10 of the Passport Act, 1967.

3. The learned counsel for the petitioner also relied upon the judgment of the Hon'ble Division Bench of this Court in W.A.No.277 of 2025, dated 30.01.2025, wherein this Court held as follows:

“3.The Writ Court has however dismissed the Writ Petition directing the petitioner to approach the Criminal Court where the Appeal is pending. We do not think we can sustain the order of the Writ Court. Impounding a passport is a very



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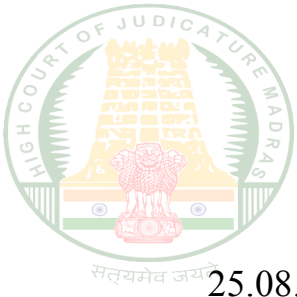
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serious matter as it affects the right of free movement. A conviction made under Section 138 of the Negotiable Instruments Act, for a commercial offence between two individuals cannot be a ground for impounding of the Passport.”

4. The learned Government Advocate (Crl.) appearing for the second respondent would submit that the appeal is still pending and that the petitioner has been granted bail.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Considering the facts and circumstances of the case, particularly the fact that the petitioner has preferred an appeal against the sentence of three months simple imprisonment and that the appeal is still pending without a final outcome, this Court finds that impounding of the petitioner's passport is not sustainable under Section 10 of the Passport Act, 1967. Therefore, the impugned proceeding is liable to be set aside and accordingly, the proceeding issued by the first respondent dated



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25.08.2023, is hereby set aside. Consequently, the first respondent is hereby directed to return the passport of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

02.04.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2.The State of Tamil Nadu,
Rep. by its Sub-Inspector of Police
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VIVEK KUMAR SINGH, J.

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