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Crl. O.P. No. 3949 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl. O.P. No. 3949 of 2026

Williamraj

... Petitioner

Vs.

The State,
Inspector of Police,
Thalayamangalam Police Station,
Thalayamangalam,
Tiruvarur – 612 803.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the docket order by the Principal District and Sessions Court, Tiruvarur dated 01.09.2025 in unnumbered Crl.M.P.No...of 2025 in Spl.C.C.No.36 of 2021 and consequently direct the Principal District and Sessions Court, Tiruvarur to number the petition and dispose of the petition within the time frame fixed by this Court and thus render justice.

For Petitioner : Mr. S. Nirmal Aditya

For Respondent : Mr. S. Santhosh
Government Advocate (Criminal Side)



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ORDER

The present Criminal Original Petition has been filed seeking to set aside the docket order by the Principal District and Sessions Court, Tiruvarur dated 01.09.2025 in unnumbered Crl.M.P.No...of 2025 in Spl.C.C.No.36 of 2021 and consequently direct the Principal District and Sessions Court, Tiruvarur to number the petition and dispose of the same within a time frame.

2. Learned counsel for the petitioner would submit that the petitioner is an accused facing trial in Spl.C.C.No.36 of 2021 on the file of the Principal District and Sessions Court, Tiruvarur. The petitioner's passport has expired and therefore, he filed an application seeking issuance of a No Objection Certificate based on the memorandum No.VI/401/1/5/2019 dated 10.10.2019. However, the learned trial Judge returned the petition as not maintainable.

3. He would further submit that a Full Bench of the Madurai Bench of Madras High Court, in W.P.(MD) No.26547 of 2025 vide order dated 09.02.2026, has held that the petitioner has to get prior permission of



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the Court concerned, where the trial is pending and submit the same along with the application, as contemplated under the Passports Act, 1967 and the Manual and therefore, the petition is maintainable.

4. Since the petition filed by the petitioner is maintainable as per the Full Bench judgment adverted to above, the impugned docket order dated 01.09.2025 is set aside and the trial Court is directed to number the petition and pass orders on its own merits within a period of one week from the date of receipt of a copy of this order.

5. This Criminal Original Petition stands allowed accordingly. The Registry is directed to return the original returned papers to the learned counsel for the petitioner.

18.02.2026

Index: Yes/No

Neutral Citation: Yes/No

AT

To

1. The Inspector of Police,
Thalayamangalam Police Station,
Thalayamangalam,
Tiruvarur – 612 803.

2. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.

AT

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