

IN THE COURT OF THE JUDICIAL MAGISTRATE, MELUR

Present: Selvi.D.Thendraal Muthu, L.L.M.,

Judicial Magistrate, Melur.

Dated this the 30th day of March 2026, Monday

Crl.M.P.No.334/2026

in

Cr.No.220/2024

in

CC No.524/2025

K.Mohamed Mustaffa,
S/o.Kader Mohideen,
D.No.38/9,Pallivasal Street,
A.Vallalapatti Village,
Melur Taluk, Madurai District.

...Petitioner

/Vs/

The State Represented by Sub Inspector of Police,
Melavalavu P.S.
Madurai District.

...Respondent

This petition coming on 30.03.2026 for final hearing before me in the presence of Tr.S.Surendar, learned counsel for petitioner and the learned APP for the respondent and upon perusal of the records, this court delivers the following

ORDER

1) Reply received from the prosecution. Heard both sides. This petition is filed for seeking permission to renew the passport of the petitioner.

2) A perusal of records shows that case in C.C.No.524/2025 in Cr.No.220/2024 of Melavalavu P.S are pending against the petitioner.

3) The petitioner claim that he belonging to the Muslim Community and he very much practicing Muslim also. In Muslim religious, perform the Holy Hajj is

mandatory duty for the eligible person. In this situation, he come under the eligible category and to perform the Holy Hajj is mandatory for him. For which he needs to renewal his passport.

4) The Hon'ble Supreme Court of India in 2020 CrI.L.J. (SC) 572 in “**Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation**”. “examines the provisions of the Passports Act, 1967, pendency of criminal cases and held that refusal of a passport can be only in case where an applicant is convicted during the period of five (05) years immediately preceding the date of application for an offence involving moral turpitude and sentence for imprisonment for not less than two years. Section 6(2)(f) relates to a situation where the applicant is facing trial in a criminal Court. The petitioner therein was convicted in a case for the offences under Sections 420 IPC and also Section 13(2) read with Section 13(1) of the Prevention of Corruption Act, 1988, against which, an appeal was filed and the same was dismissed. The sentence was reduced to a period of one (01) year. The petitioner therein had approached the Apex Court by way of filing an appeal and the same is pending. Therefore, considering the said facts, the Apex Court held that Passport Authority cannot refuse renewal of the passport on the ground of pendency of the criminal appeal. Thus, the Apex Court directed the Passport Authority to issue the passport of the applicant without raising the objection relating to the pendency of the aforesaid criminal appeal in S.C.

5) The Hon'ble Supreme Court of India in another judgment reported in 2013 (15) SCC page 570 in **Sumit Mehta v State of NCT of Delhi** at para 13 observed as under:

“The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India.”

6) The Apex Court in “**Maneka Gandhi vs Union of India**” reported in 1978 (1) SCC 248, held that no person can be deprived of his right to go abroad unless there is a law enabling the State to do so and such law contains fair, reasonable and just procedure.

7) The Division Bench of the The Hon’ble Supreme Court of India in its judgment dated 09.04.2019 reported in 2019 SCC online SC 2048 in Satish Chandra Verma v Union of India (UOI) and others observed at para 5 as under:

“The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship which are the basic humanities which can be affected through refusal of freedom to go abroad and this freedom is a genuine human right.”

8) Hence there is no bar to the petitioner to renew his passport and this order shall be considered as a NOC.

9) The petitioner shall make an affidavit containing the particulars of VISA, place of stay before leaving India with copy of flight ticket and VISA. The petitioner shall appear before this court as and when required by this court.

Dictated to steno-typist directly and typed by her in computer and corrected, pronounced by me in open court this the 30th day of March 2026.

Judicial Magistrate
Melur.