

**IN THE COURT OF THE JUDICIAL MAGISTRATE, THIRUVADANAI.**

Present : Thiru. J. Antony Rishandev, B.B.A., L.L.B (Hons).
Judicial Magistrate,
Thiruvadanai.

Dated, Tuesday the 02nd day of June 2026

Cr.M.P. No.365/2026

in

Cr. No. 139/2023

Karthikeyan,
S/o. Nagalingamoorthy,
Therkuratha Veethi,
Thiruvadanai Taluk,
Ramanathapuram District.

Petitioner/Accused

/Vs/

State through Inspector of Police,
Thiruvadanai Police Station,
Cr.No. 139/2023,
U/s. 273 and 328 of IPC
r/w 24(1) of the Tobacco Act

..... Respondent / Complainant

This petition came up for hearing before me on 02.06.2026 in the presence of the Petitioner/Accused Advocate Thiru.R.Ramkumar and Respondent / Complainant Advocate Selvi. Muthumari APP Grade – I upon perusing the documents and hearing, this Court makes the following,

ORDER

1. Background

(i) The petitioner has filed this application seeking a No Objection Certificate (NOC) to renew his passport. FIR in Crime No.139/2023 was registered by the Thiruvadanai PS under Section 273 and 328 of IPC r/w 24(1) of the Tobacco Act against the petitioner.

(ii) The prosecution has objected to the issuance of the NOC, citing the apprehension that



the petitioner may not appear before the Court for the ongoing trial if permitted to renew the passport.

2. Analysis and Findings

(i) Under Section 6(2)(f) of the Passport Act, 1967, the competent authority may refuse to issue or renew a passport if the applicant is facing trial. However, it is pertinent to note that the provision does not impose a prohibition on the Court issuing a no-objection certificate. The discretion lies with the Court to consider the facts and circumstances of each case before arriving at a decision.

(ii) The right to travel abroad is recognized as a fundamental right under Article 21 of the Indian Constitution. The Hon'ble Supreme Court in *Maneka Gandhi Vs. Union of India* (1978 AIR 597) emphasized that the right to personal liberty includes the right to travel abroad. Similarly, in *Satwant Singh Sawhney vs. D. Ramarathnam* (1967 AIR 1836), the Apex Court held that any restrictions on this right must be reasonable and not arbitrary.

(iii) Further, the presumption of innocence is a cardinal principle of criminal jurisprudence. An accused is presumed innocent until proven guilty, and his fundamental or civil rights cannot be unreasonably curtailed merely on account of a pending trial.

(iv) Taking into account the petitioner's reasons for renewal of passport, the absence of any past violations and the balance between the petitioner's constitutional rights and the obligation to ensure the trial's smooth progression, this Court deems it appropriate to allow the issuance of the NOC for passport renewal, subject to stringent conditions to address the prosecution's concerns.

**3. Order**

This petition is allowed and the No Objection Certificate is granted for the renewal of the petitioner's passport. The following conditions are imposed to balance the petitioner's rights with the interests of justice:

(a) Sureties:

The petitioner shall execute a own bond for a sum of Rs. 4,00,000/- with two independent sureties each for a like sum.

(b) The petitioner shall not leave the country without prior permission of this court.

(c) Consequences of Violation:

In case of any violation of the above conditions, this Court reserves the right to take stringent action, including forfeiture of the bank guarantee, issuance of a non-bailable warrant, and cancellation of bail.

In the result this petition is allowed.

Dictated to the Typist, directly typed by her in computer, corrected and pronounced by me, this the 02nd day of June 2026.

Judicial Magistrate
Thiruvadanai.