

IN THE COURT OF JUDICIAL MAGISTRATE AT UTHAMAPALAYAM

Present: Thiru. P.Kamarasu, B.A.,B.L.,

Judicial Magistrate, Uthamapalayam

On this 14th day of July 2025

M.P. No. 4/2025

in

C.C. No. 102/2022

Mohamed Habeeb
S/o. Abdul Kareem

... Petitioner/ 3rd Accused

-Vs-

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Madurai.

2. The State,
Rep. by Sub-Inspector of Police,
A.W.P.S- Uthamapalayam P.S.
Theni District.

... Respondents/Complainant

1. This petition has been filed by the 3rd accused seeking an Order for renewal of his Passport No.M4570021.

2. The contentions of the petitioner are that the 2nd respondent has registered a case against him for the Offences U/S.498A, 406 of I.P.C. and U/S.3 & 4 of Dowry Prohibition Act. The 2nd respondent has registered the case against 8 persons including this petitioner. Consequent to the final report filed by the Respondent, the cognizance was taken and the case has been registered as C.C. No.102/2022 in which this petitioner has been arraigned as the 3rd accused.

3. In this case, the witnesses namely PW-1 to PW-5 have been examined and that the case is at the stage of part-heard. Now the petitioner wants to visit abroad (China). At this juncture, it is significant to note that the petitioner has been running the business of Steel Workshop for which the petitioner wants to purchase materials

from China. Since his passport has got expired on 22.12.2024, the petitioner could not renew his passport due to the pendency of this case.

4. In such circumstances, the petitioner approached the Hon'ble High Court of Madras, Madurai Bench by filing W.P.(MD). No.13696 of 2025 seeking direction to the 1st respondent for re-issue/renewal of his passport. The Hon'ble High Court has, under Order dated 30.04.2025, directed as follows.

“4. In view of the above said submissions, the petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. The learned trial Judge shall bear in mind that right to travel is a fundamental right. The petitioner's career and avocation may be at stake, if he is denied the right to go abroad. Therefore, the trial Court unless there are extraordinary circumstances shall not deny the relief. Of course, the period of validity of passport will have to be restricted. It is also open to the learned trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application Under Section 228 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by executing a special Vakalat.

Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer, who shall dispose of the petition mentioned application in terms of the said order”

5. On behalf of prosecution, it was objected that if the petitioner is permitted to renew his passport, he may abscond and the trial of this case will be stalled and the prosecution seeks dismissal of this petition.

6. It is now well settled law that the right to travel is a fundamental right. It is significant to note that no fundamental right can be denied. Further, the Hon'ble High Court has directed this Court to consider this petition in a positive manner. Further, as per the direction of the Hon'ble High Court, the petitioner has also executed a special vakalat in favor of Mr. Ajmal Khan, Advocate. In these circumstances, this Court is inclined to permit the petitioner to get renewal of his passport on the following

conditions: .

- i. The renewal period of the petitioner's passport shall not exceed more than 6 months.
- ii. Based on the special vakalat filed in this matter, the petitioner shall co-operate for the trial and disposal of this case.
- iii. The petitioner shall make himself available for questioning Under Section 313 of Cr.P.C and for pronouncement of Judgment.
- iv. The petitioner shall appear in person as and when required by this Court.

With the above conditions, this petition is allowed and consequently, the petitioner is permitted to get renewal of his passport from the competent authority.

Dictated to the Steno-typist, transcribed and computerized by him, corrected and pronounced by me in open Court on this the 14th day of July 2025.

**Judicial Magistrate,
Uthamapalayam.**