

**In the Court of the Judicial Magistrate No.I, Thanjavur**  
**Present: Tmt. S. Susila, B.A., B.L.,**  
**Judicial Magistrate No.I, Thanjavur**  
**Dated the 28<sup>th</sup> day of February 2025**  
**Crlmp.No.260/2025 in CC No.316/2024**

Govi Chezhaan (58/2025)

S/o. Govindan

...Petitioner

/Vs/

The Inspector of Police,  
Pandhanallur Police Station,  
Thanjavur District.

.....Respondent

This application is filed under 6 (2) of the Passport Act read with Government gazette Notification G.S.R 570(E) dated 25.08.1993 by the petitioner/accused seeking an permission to leave abroad while pending the criminal case, which came up before me for final hearing in the presence of S.Jayachandran, and Learned Assistance Public prosecutor Gr-II and after hearing both sides, this court pronounced the following...

**ORDER**

**Petition averment in a nutshell:-**

1. The petitioner is The Higher Education Minister of State of Tamil Nadu. The petitioner had applied passport and issued by the Tiruchirappalli passport office on 31.05.2019. The expiry date of passport is 30.05.2029. The Passport number is T6090174. Subsequently the original passport was misplaced. The petitioner applied for issue of passport through online. After scrutinized the petitioner application, the passport office came to know that criminal case pending against this petitioner in Crime No 97 of 2018 of Pandhanallur Police Station. Hence, the passport office has not issued new passport. Thereafter the petitioner has filed writ petition before the Hon'ble Madurai Bench of Madras High Court. W.P. (MD) No. 148/2025, The Hon'ble Madurai Bench of Madras High Court directing the petitioner to move before The Trial court for grant of permission to issue of passport to the petitioner.

2. The petitioner is arrayed as 10<sup>th</sup> accused in Crime no. 97 of 2018 for the offences u/s 153,143,188,505(1)(b) of I.P.C. of Pandhanallur police station. After investigation, the respondent

police laid a final report before The District Munsif and Judicial Magistrate, Thiruvudaimaruthur, thereafter this case transferred to this special court for MP, MLA Cases and the same was taken on file as CC No 316 of 2024. Now this case posted for summons to the accused 1 to 9 and 11 to 29 that present petitioner/10<sup>th</sup> Accused has filed this application along with Vakalath on 05.02.2025. In the given facts and circumstances of the case, the petitioner/accused, who intends to go abroad for his official meet. The petitioner has applied for a passport vide TR1076921070924, Dated. 10.09.2024. While so on receipt of adverse police verification report. The passport office not issued passport to the petitioner. Citing that present pendency of the criminal case.

3. Aggrieved by the order of the passport authority. The petitioner preferred W.P. (M.D.) No 148 of 2025 before the Madurai bench of Madras High Court. The Honourable High Court on 06.01.2025 passed an order directing the petitioner/10<sup>th</sup> Accused to obtain permission from the Trial court by filing the appropriate application. Hence, this petition is filed under S 22 of the Passport Act read with Government gazette Notification G.S.R 570(E) date 25.08.1993 seeking permission to issue passport to the petitioner.

**The sum and substance of the counter:**

4. The petition is not maintainable liable to be dismissed. This case is charge-sheeted against the petitioner/10<sup>th</sup> Accused in Crime No 97 of 2018 for the offence u/s. 153,143,188,505(1) (b) of I.P.C. of Pandhanallur police station and the cognizance of the offence taken. The case has been taken on file as CC No 316 of 2024. As per the notification this court can ask detail of travel, Boarding and lodging and also get sureties from the petitioner. The petitioner filed this petition with on ultra motive to drag on the Trial Proceeding and also to escape from the eye of law. Thus, sought to dismiss this petition.

Heard both sides and perused records and papers.

Now, the point for consideration is Whether this petition is to be allowed or not ?

5. The Learned Counsel for the petitioner/10<sup>th</sup> accused has relied upon the judgment of the Hon'ble Supreme Court Karti P. Chidambaram Vs The Regional Passport Officer, and argued that even at the appellate stage and at the stage of the petition having been filed under Section 482 of the Cr.P.C., the relief with respect to the petitioner travelling abroad can be granted. The Learned Counsel for the Petitioner would further contend that the right of a person to free movement,

including the right to go abroad, has been construed as a Fundamental Right enshrined under Article 21 of the Constitution of India and thus sought to allow this petition.

6. It is now well settled that even a person facing a criminal trial has a fundamental right to travel abroad, which is subject to reasonable restriction. The only restriction which can be placed on such an accused is to ensure that he does not flee away from justice and he attends the court or joins the investigation whenever required, and the right to travel abroad is part of the fundamental right to dignity personal liberty.

7. According to S.6(2)(f) of the Passport Act 1967, the passport authority can refuse to issue the passport to an applicant against whom criminal proceedings are pending before a court of Law. However, in furtherance of Section 22 of the Passport Act, the Government of India in the Ministry of External Affairs issued a notification on 25-08-1993 in G.S.R.570(E) (for short, 'GSR 570 Notification'). GSR 570 notification deals with a situation of the kind that is projected in the case at hand. It permits the issuance of a short-validity passport pursuant to the orders that the concerned court would pass according to the specified period, and if no period is specified, the passport will be issued for a period of one year. Therefore, it is for the applicant against whom a criminal case is pending in any Court of Law in the country to approach the concerned court before which the proceeding is pending and seek for permission to travel; if such permission is granted, it will have to be in tune with the conditions in GSR 570. Further, the Government of India, the division has also issued Ministry of External Affairs, an official memorandum PSP No VI/401/1//5/2019 on 10.10.20019, which further streamlines the process of issuing the passport to the applicant against whom the criminal cases are pending.

8. In view of the above discussion, this petition is allowed and this court has no objection to issue the passport to the petitioner subject to the following conditions:-

**i) The petitioner shall comply with the terms and conditions laid down in the notification on 25-08- 1993 in G.S.R.570(E) (for short, 'GSR 570 Notification'). GSR 570 and the Government of India, Ministry of External Affairs, PSP division official memorandum No VI/401/1//5/2019 dated 10.10.2019 in true letter and spirit.**

**ii) The period and tenure of the passport shall be for one year, and the petitioner shall appear before this court as and when directed by this court.**

**iii) The petitioner shall provide his email ID, mobile phone number to this court so as to enable this court to proceed with video conferencing or a hybrid hearing if necessary.,**

**iv) The petitioner shall file an Undertaking in Annexure 'A' disclosing all the details, such as, name of the court, case number, details of investigation agency etc, before the passport authority without fail.**

**v) Once the petitioner receives/obtains the passport, he shall file a copy of the passport before this court.**

**vi) Before leaving abroad, the petitioner shall execute a bond for Rs 10,000/- with two sureties for the like sum each to the satisfaction of this court and shall undertake to make a personal appearance before this court as and when directed by this court.**

This order is dictated to the Steno-Typist and typed by her directly in the computer, corrected and pronounced by me in the open court on this 28th day of February 2025.

Judicial Magistrate No. I,  
Thanjavur.