
(1998) 12 DEL CK 0034

In the Delhi High Court

Case No : Criminal M. 6957/98 in Criminal M. (M) No. 2907/97

Ashok Chawla

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 07-12-1998

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Passports Act, 1967 — Section 6

Citation : (2000) 53 DRJ 4

Hon'ble Judges : D.K. Jain, J

Bench : Single Bench

Advocate : Rajesh Manchanda and Sanjay Kataria, for the Appellant; A.K. Dutt, for CBI and Rekha Palli, for the Passport Office, for the Respondent

Judgement

D.K. Jain, J.—By this application u/s 482 Cr.P.C, the petitioner seek a direction to the passport authorities to renew his passport No. A-4555319 or issue a fresh passport with its normal duration and for deletion of endorsement made on the passport already issued to him, in order to enable him to visit England by virtue of the permission granted by this Court vide order dated 9 January 1998.

2. The grievance of the petitioner is two fold, namely, (i) that when he approached the British Visa Council for requisite VISA to that country, they declined to issue the VISA in view of the endorsement made by the passport authorities that the further renewal should be granted on this passport without prior approval of this office. This passport is valid travel United Kingdom only", and, (ii) since the passport was valid only up to 19 August 1998, he applied for renewal of the same but his. form was not accepted by the said authorities.

3. To appreciate the grievance of the petitioner, and for a limited purpose for disposal of the application vide order dated 23 November 1998, the Regional Passport Officer was imp leaded as a party to these proceedings. Ms. Rekha Palli has appeared on behalf of the Regional Passport Officer and submits that the period of validity of the passport was restricted in view of the order passed by

this court in January 1998, whereby the petitioner was permitted to visit England for a period of 8 weeks only; the endorsement on the passport was made on account of the letter dated 19 September 1996 received from the Superintendent of Police, Central Bureau of Investigation, stating that since the petitioner is concerned in a very serious case involving national security, he may not be issued any passport without prior clearance from them. The submission of the learned counsel is that it was a bonafide action on the part of the passport office on account of these two named factors.

4. Having glanced through the provisions of Section 6(2)(f) of the Passports Act 1967, relied upon by Ms. Palli, I am of the prima facie view that as at present these are not attracted in the instant case because admittedly no proceedings are pending against the petitioner before any criminal court in India. As regards the applicability of Sub-clause (b) of Clause 2 of the said Section, to which a reference is made by learned counsel for the Passport Officer, no material exists on the file produced in court on the basis whereof it could be said that if a passport is issued to the Petitioner, he is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India. In fact, this was never the ground for non-renewal of the passport.

5. In support of her stand that an endorsement with regard to the place of visit of a person can be made on the passport, Ms. Palli has pressed into service Section 5(2)(b) of the said Act. However, for the purpose of disposal of this application. I do not propose to go into this question because I find that even in the order dated 9 January 1998, the petitioner has been permitted to visit only England in connection with his medical treatment.

6. In view of the foregoing, it is directed that a fresh passport shall be issued to the petitioner within two weeks of his completing all the requisite formalities. It is agreed that the application along with all the relevant document and fee, shall be handed over by the petitioner to Mr. S.P. Kothari, an Assistant in the Regional Passport Office.

7. The petitioner shall remain bound by all other conditions, contained in order dated 9 January 1998.

8. The application stands disposed of.

9. A Copy of this order be sent to the passport authorities directly by the office for compliance. Another copy of the order be supplied duly to learned counsel for the petitioner.