
(2012) 11 AP CK 0017

In the Andhra Pradesh High Court

Case No : Writ Petition No. 32985 of 2012

Kolasani Rajya Lakshmi

APPELLANT

Vs

Regional Passport Officer, Secunderabad and Others

RESPONDENT

Date of Decision : 20-11-2012

Acts Referred:

Passports Act, 1967 — Section 10, 10(3), 10(3)(e)
Penal Code, 1860 (IPC) — Section 420, 493

Citation : (2013) 2 ALD 22 : (2013) 2 ALT 527

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : Voosa Raghu, for the Appellant; N.V. Ramanujam (Addl. SC for Central Government), Counsel for the Respondent No. 1, Government Pleader for Home, Counsel for the Respondent No. 2 and Rama Rao Gantannagari, Counsel for the Respondent No. 3, for the Respondent

Final Decision : Dismissed

Judgement

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a mandamus to declare the inaction of respondent No. 1, in seizing/impounding Passport No. F 5290528 belonging to respondent No. 3, as illegal and arbitrary. I have heard Mr. Voosa Raghu, learned Counsel for the petitioner, and Mr. M.V. Ramanujam, learned Additional Standing Counsel for Central Government, appearing for respondent No. 1.

2. The petitioner averred that she had a live-in relationship with respondent No. 3 from the year 2009 and that having promised to marry her and live with her, respondent No. 3 has deceived her by refusing to marry her. The petitioner has, therefore, lodged a report before respondent No. 2, who registered the same as Crime No. 472/2012, for the offences under Sections 493 and 420 IPC against respondent No. 3 and the criminal case is pending before the Court of the learned IV Additional Junior Civil Judge, Guntur. Respondent No. 3, who was arrested in this regard, was released on bail pending trial of the criminal case

and as he was allegedly trying to go abroad, the petitioner made a representation to respondent No. 1 to seize the passport of respondent No. 3. However, respondent No. 1 has issued Letter No. 30(578) pol/2012, dated 21.9.2012, advising the petitioner to produce the order from the competent Court for seizing the passport. Feeling aggrieved by the said inaction, the petitioner filed this writ petition.

3. At the hearing, the learned Counsel for the petitioner placed reliance on Section 10(3) (e) of the Passports Act, 1967, and submitted that since, admittedly, a criminal case is pending against respondent No. 3, it is imperative for respondent No. 1 to seize his passport.

4. This Court had an occasion to deal with a similar contention in *D. Surendernath Reddy v. The Regional Passport Officer, Secunderabad and others*, WP No. 524 of 2012, dated 27.6.2012, wherein, while rejecting the submission advanced on behalf of the petitioner therein, it was held as under:

It is not mandatory for the Passport Officer to impound the passport of every accused involved in every criminal case. The provisions of sub-section (3) of Section 10 of the Act vested fair amount of discretion in the passport authority whether to impound or not to impound the passport depending upon the gravity of the offences with which the accused is charged. Under clause (b) of Section 10(3) of the Act, even in cases of conviction, the passport of every convict is not liable to be impounded unless such conviction was made for any offence involving moral turpitude and the convict was sentenced in respect of imprisonment for not less than two years. Such being the case, the submission of the learned Counsel for the petitioner that mere pendency of a criminal case is sufficient for impounding the passport, cannot be accepted.

5. In view of the above legal position, no relief can be granted to the petitioner. As suggested by respondent No. 1, the petitioner shall be free to approach the jurisdictional Magistrate for impounding the passport of respondent No. 3.

6. Subject to the liberty given as above, the writ petition is dismissed. As a sequel, WPMP No. 41994 of 2012, filed by the petitioner for interim relief, is disposed of as infructuous.