
(2020) 11 RAJ CK 0002
In the Rajasthan High Court
Case No : Criminal Appeal No. 767 Of 2018

Saiffudeen & Anr

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 04-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 447, 504

Passports Act, 1967 — Section 22(a)

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(G)(R)(S)

Citation : (2020) 11 RAJ CK 0002

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Nishant Bora, Sudhir Tak, MC Bishnoi

Final Decision : Disposed Of

Judgement

The matter comes up on an application filed on behalf of the applicants-appellants for renewal of their passport.

Both the applicants have been convicted and sentenced for offences punishable under Section 3(1)(G)(R)(S) of SC/St Act and Sections 447/34, 504/34 IPC vide judgment dated 12.07.2018 passed by the Judge, Special Court, SC/ST (Prevention of Atrocities) Cases, Dungarpur in Session Case No.05/14 (CIS No.3000/14).

Being aggrieved with the judgment dated 12.07.2018, the applicants-appellants have preferred the present Criminal Appeal before this Court and this Court vide order dated 27.07.2018 has admitted the appeal and suspended the sentence of the applicants-appellants awarded by the trial court. Now the appeal is pending in due course since 2018.

Learned counsel for the applicants-appellants has submitted that the applicants-appellants want to travel abroad for the purpose of religious visit as well as to

visit their relatives who are staying in Kuwait (Dubai). Counsel submits that the passport of the applicants-appellants have expired on 06.10.2014 and 15.03.2015, therefore the concerned authority may be directed for renewal of passport of the applicants-appellants in terms of the Notification No.VI/401/37/79 dated 25.08.1993 issued by the Ministry of External Affairs, New Delhi.

The Notification No.VI/401/37/79 dated 25.08.1993 issued by the Ministry of External Affairs, New Delhi is reproduced as under:-

"MINISTRY OF EXTERNAL AFFAIRS NOTIFICATION New Delhi, the 25th August, 1993 G.S.R. 570(E).-In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specified a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of afresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport-issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

[No. VI/401/37/79] L.K. PONAPPA, Jt. Secy. (CPV)"

Counsel for the respondents submits that if the applicants-appellants follow the guidelines issued by the Ministry of External Affairs, then they will consider the application of the applicants-appellants for renewal of their passport.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, this Court deems it proper to direct the concerned authority to consider the application of the applicants-appellants for renewal of their passport strictly in accordance with the law.

The misc. application is disposed of accordingly.