

Court No. - 40

Case :- WRIT - C No. - 35761 of 2023

Petitioner :- Mohammad Sharfuddin

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Ashutosh Upadhyay

Counsel for Respondent :- A.S.G.I., Vijay Raj Pal

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Ashutosh Upadhyay, learned counsel for the petitioner and learned Additional Solicitor General of India appearing for Union of India.

2. Learned A.S.G.I. has accepted notice on behalf of Union of India.

3. By means of present writ petition, the petitioner has questioned the validity of the impugned order dated 28.06.2023 passed by Senior Superintendent, Right to Information & Legal Department, wherein it is indicated that in response to the earlier writ petition bearing Writ - C No. 14963 of 2023 (Mohammad Sharfuddin Vs. Union of India and another) decided on 02.05.2023 and in pursuant thereof the petitioner has moved fresh objection/response for getting appropriate information from the respondents.

4. In response to the aforesaid objection of the petitioner, a report was submitted by the respondents indicating therein that the petitioner is already implicated in Case crime no.116 of 2021, under Sections 147, 323, 504, 506 of IPC and Sections 3(1)(x) of SC/ST Act, P.S. Shahganj, District Jaunpur and accordingly in view of Gazette Notification GSR 570 (E) Dated 25.08.1993, leave was accorded to the petitioner to get the NOC from the court concerned.

5. Learned counsel for the petitioner further submits that the petitioner has filed Criminal Appeal No. 4849 of 2023 (Naeem Ahmad and three others Vs. State of U.P. and another) for quashing the charge sheet dated 15.08.2021 and cognizance order dated 23.11.2023 passed by learned Special Judge (S.C./S.T. Act), Jaunpur, in S.S.T. No. 225/2021, Case Crime No. 116 of 2021, under Sections 323, 504, 506 of I.P.C. and Section 3(1)(da) of S.C./S.T. Act, Police Station- Shahganj, District Jaunpur and the Coordinate Bench of this Court vide

order dated 30.05.2023 stayed the further proceedings in the aforesaid criminal case. The order dated 30.05.2023 reads as follows:

"1. Heard learned counsel for the appellant.

2. The instant criminal appeal under Section 14(A)(1) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) has been filed by the appellant with the prayer to set-aside the charge-sheet dated 15.08.2021 and cognizance order dated 23.11.2021 passed by learned Special Judge (S.C./S.T. Act), Jaunpur, in S.S.T. No. 225/2021, Case Crime No. 116 of 2021, under Sections 323, 504, 506 of I.P.C. and Section 3(1)(da) of S.C./S.T. Act, Police Station- Shahganj, District Jaunpur.

3. Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

4. Office is directed to submit fresh report regarding service of notice on opposite party no. 2.

5. List this case on 22.08.2023 before appropriate Bench.

6. For the reasons given in ground nos. E, F and G of the appeal, further proceedings in the aforesaid case shall remain stayed against the appellants till the next date of listing."

6. Considering the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition, therefore, we dispose of the writ petition directing the Respondent No.2-Regional Passport Authority/Officer to process the application of the petitioner in view of the facts and circumstances stated above, expeditiously, preferably within a period of six weeks from the date of production of certified copy of this order.

7. The writ petition stands ***disposed of*** accordingly.

Order Date :- 21.11.2023

Prajapati