

Court No. - 40

Case :- WRIT - C No. - 36089 of 2023

Petitioner :- Samir Alam

Respondent :- Union Of India And Another

Counsel for Petitioner :- Manoj Kumar Maurya, Mahtab Alam

Counsel for Respondent :- A.S.G.I.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

Order on Amendment Application

1. The amendment application is allowed.
2. Necessary amendment be incorporated by the counsel for the petitioner forthwith.

Order on Writ Petition

1. Heard Sri Mahtab Alam, learned counsel for the petitioner and Sri Akhilesh Mishra, learned counsel for Union of India.
2. By means of this writ petition, the petitioner has prayed for a direction in the nature of mandamus commanding the respondent authorities, particularly respondent no.2, Regional Passport Officer, Lucknow to process the application of the petitioner dated 13.07.2023 for issuance of passport expeditiously.
3. Learned counsel for the petitioner states that he has applied for issuance of passport but till date his application has not been processed.
4. Sri Akhilesh Mishra, learned counsel for Union of India has placed before this Court the instructions dated 16.10.2023 sent by the Senior Superintendent (Legal Cell), Passport Office, Lucknow. The instruction indicates that there is a adverse police verification against the petitioner received on 07.08.2023 with a remark "Crime No.141/2009, under Section 3/25 of Arms Act is registered against the applicant."
5. The same is confronted by learned counsel for the petitioner on the ground that the aforesaid case was registered against the petitioner in the year 2009 and as the petitioner was minor at the time of occurrence of incident, the Juvenile Justice Board, Deoria vide order dated 28.10.2015 declared him juvenile. Subsequently, the Juvenile Justice Board, Deoria

vide its order dated 23.10.2019 held the petitioner guilty for the offences committed by him but by the same order the Board has released the petitioner on probation for his good conduct giving him the benefit of Section 24 (1) of Juvenile Justice (Care & Protection of Children), Act, 2015.

6. In this backdrop, learned counsel for the petitioner states that except the aforesaid case, which was registered against the petitioner under Arms Act, no other criminal case is pending against him and, accordingly, his application for issuance of passport may be processed as per law.

7. Heard rival submissions and perused Section 24(1) of Juvenile Justice (Care & Protection of Children), Act, 2015, which provides that *"Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law"*.

8. Considering the facts and circumstances, we are of the considered opinion that once the Juvenile Justice Board has already released the petitioner on probation for his good conduct giving him the benefit of Section 24 (1) of Juvenile Justice (Care & Protection of Children) Act, 2015 and no other criminal case is pending against him, his application for issuance of passport shall be processed by the respondent no.2, Regional Passport Officer, Vipin Khand, Gomti Nagar, Lucknow expeditiously, as per law, preferably within a period of six weeks from the date of production of a certified copy of this order.

8. Accordingly, the writ petition is disposed of.

Order Date :- 17.10.2023

S.P.