

Court No. - 3

Case :- WRIT - C No. - 9102 of 2023

Petitioner :- Swaroop Patel

Respondent :- U.O.I. Thru. Ministry Of External Affairs,
Govt. Of India, New Delhi And 2 Others

Counsel for Petitioner :- Siddhartha
Sinha, Aradhyanayan Tiwari, Ruby Choudhary

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

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Supplementary affidavit filed today by learned counsel for the petitioner is taken on record.

2. Petitioner has approached this Court challenging the order dated 28.06.2023, whereby passport is impounded on the ground that criminal case is pending against him before the court.

3. On instructions, learned Standing Counsel and learned counsel for the Union of India states that there were two criminal cases filed against the petitioner. First being the case no. 232 of 2018 (State vs. Dr. Santosh Kumar Singh) under Section 323, 504, 506, 326(A), 354(B), 352, 376, 511, 34 IPC, P.S. Lanka, District Varanasi. In the said case, final report is already submitted and accepted by the court by judgment and order dated 21.05.2019. The second case against the petitioner is case crime no. 397 of 2016, under Section 337 of the IPC and Section 15 of the Indian Medical Council Act, 1956 registered at P.S. Lanka, District Varanasi. Both are minor in nature carrying a punishment of less than one year.

4. Counsel for the petitioner states that petitioner has to attend a Fellowship Programme in Germany which is scheduled to be held from 15.11.2023 to 14.12.2023. He submits that there is no likelihood of absconding of the petitioner as he has entire set ups in Varanasi including a hospital named Apex Hospital at Varanasi.

5. Heard learned counsel for the parties and perused the record.

6. The offence against the petitioner are minor in nature having punishment of less than one year and petitioner has sufficient assets and reasons not to abscond, therefore, impugned order dated 28.06.2023 passed by the opposite party no. 2 is set aside.

7. Opposite party no. 2/Regional Passport Office, Lucknow is directed to release the passport to the petitioner within a

period of one week from the date of production/receipt of certified copy of this order.

8. Accordingly, writ petition stands allowed.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 27.10.2023
Nitesh