

Court No. - 3

Case :- WRIT - C No. - 9248 of 2023

Petitioner :- Ziyaul Haque

Respondent :- Union Of India Thru. Secy. Foreign Ministry
New Delhi And Another

Counsel for Petitioner :- Vinay Kumar Tiwari

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

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for petitioner and Sri S.B. Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Sri Varun Pandey, appearing for respondent nos.1 and 2.

2. Learned counsel for the petitioner has submitted that the application for new passport has not been dealt with by the competent authority since July, 2022.

3. The petitioner in his writ petition has clearly disclosed that (1) NCR No.114/2018, under Sections 323, 504 I.P.C., Police Station - Katra Bazar, District - Gonda, (2) NCR No. 131/2019, under Sections 323, 504 I.P.C., Police Station - Katra Bazar, District - Gonda, (3) N.C.R. No. 23/2017, under Sections 171-H I.P.C., Police Station - Katra Bazar, District - Gonda and (4) F.I.R. No. 18/2018, under Sections 147, 148, 149, 323, 324, 325, 308 I.P.C., Police Station - Katra Bazar, District - Gonda, pending before the District & Sessions Judge, III, Gonda against the petitioner.

4. The Government of India, Ministry of External Affairs has issued guidelines, according to which in a situation where criminal cases are pending against a person, on applying for issuing a passport/renewal of passport, the matter is regulated under Notification dated 25th August, 1993, which, for ready reference, has been reproduced in a judgment rendered by this Court in Misc. Bench No.31723 of 2018. Learned counsel for the petitioner has also placed reliance on a judgment rendered

by Delhi High Court in ***Criminal Appeal No.686/2018 (Ashok Khanna Vs. Central Bureau of Investigation)*** decided on 07.11.2019, MANU/DE/3767/2019 and reliance has also been placed upon a judgment/order passed by Hon'ble Apex Court in ***Criminal Appeal Nos. 1342/2017 (Vangala Kasturi Rangacharyulu Vs. Central Bureau of Investigation)***, MANU/SCOR/34388/2021, decided on 27.09.2021.

5. On a careful reading of the notification, it is gathered that it is the competent court where the criminal case is pending that the petitioner may make an appropriate application for issuance/renewal of the passport before the court concerned seeking directions to the competent authority for issuing/renewal of passport during pendency of the criminal cases.

6. In case any such application is filed, it is expected that the competent court shall pass necessary orders expeditiously, preferably within a period of two months from the date of its filing, after putting the parties to notice.

7. With the above observation, the writ petition is disposed of.

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[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 19.10.2023

S. Kumar