



2024:UHC:10003

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 1003 of 2024

30 December, 2024

Nafisa

--Applicant

Versus

State Of Uttarakhand & another

--Respondents

Presence:-

Mr. Gaurav Singh, learned counsel for the applicant.

Ms. Sweta Badola Dobhal, learned Brief Holder for the State.

Hon'ble Pankaj Purohit, J.

Heard learned counsel for the parties.

2. By means of the present application filed under Section C528 of the BNSS, 2023, applicant has sought the indulgence of this Court for a direction to the First Additional Sessions Judge, Roorkee, District Haridwar to decide the application dated 06.12.2024 presented by the applicant for permission issuing passport for the purpose of visiting Saudi Arabia for Umra Haz within three days.

3. It is the case of the applicant that that applicant is one of the accused in Sessions Trial No.15 of 2020, State vs. Taufeeq & others, under Sections 498-A, 302 & 304B IPC, pending in the court of Second Additional Sessions Judge, Roorkee, District Haridwar and he wants to visit Saudi Arabia for Umra Haz and for



the said purpose, he needs passport to be issued by the Passport Agency.

3. It is contended by learned counsel for the applicant that since the criminal case is pending against the applicant, therefore, permission is required from the court where the trial is pending and it is only after the said permission having been granted to the applicant, the passport agency may consider for issuance of his passport. To buttress his argument, learned counsel for the applicant has referred a Government Notification dated 25.08.1993, whereby it is provided that the passport shall be issued by the court where the trial is pending only for a period specified in order of the court. It further provides that if no period is specified in the order of the court where the trial is pending, passport shall be issued for a period of one year. The relevant portion of the said Government Order is quoted hereinbelow:-

“(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 specifies 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 of one year;
- (iii)

4. Learned counsel for the applicant further submits that a direction be issued to the learned trial court to decide the application of the applicant dated 06.12.2024 expeditiously.

5. To this proposition, there is no opposition from the side of learned State Counsel.



2024:UHC:10003

6. Having heard learned counsel for the parties and having gone through the record of the case, the present C528 application is disposed of with a direction to the learned First Additional Sessions Judge, Roorkee, District Haridwar/In-charge to take a decision on the application of the applicant dated 06.12.2024 within a period of seven days from the date of production of certified copy of this order.

7. It is made clear that the Court has not entered into merits of the application and the learned trial court is free to decide the said application in accordance with law.

8. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
30.12.2024

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