

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 316 OF 2015**

Paulo Fenandes
s/o Albino Fernandes, major,
married, Indian, r/o Sanfator,
Tilamol Quepem Goa.

... **Petitioner**

V/S

1. Union of India
Through Ministry of External Affairs,
New Delhi.
2. The Passport Officer,
Government of India,
Passport Bhavan, Panaji Goa
3. State of Goa
Through Secretary (Home)
Secretariat, Alto Porvorim
4. The CID,
Police Headquarters Building,
Panaji Goa
5. The CID Officer,
CID Curchorem PS
Curchorem Goa.
6. Angelo Fernandes
Passport Officer
Government Of India
Regional Passport Officer,
Passport Bhavan,
Panaji Goa.

... **Respondents**

Mr. Nigel Da Cost holding for Ms. Asha Desai, Advocate for the petitioner.

Mr. Mahesh Amonkar, Central Government Standing Counsel for the respondents No.1 and 2.

Mr. S. R. Rivankar, Public Prosecutor for the respondent No.3.

Coram :- F. M. REIS &

K. L. WADANE, JJ.

Date :- 28 April 2015

ORAL JUDGMENT : (PER F. M. REIS, J.)

Heard Mr. Nigel Da Costa, learned Counsel for the petitioner, Mr. Mahesh Amonkar, learned Central Government Standing Counsel for the respondents No.1 and 2 and Mr. S. R. Rivankar, learned Public Prosecutor for the respondent No.3.

2. Rule. Heard forthwith, with the consent of the learned Counsel. Respective Counsel waive service of notice.

3. By an order dated 17 April 2014 passed in Criminal Writ Petition No.38 of 2014, upon considering the orders passed by the learned Magistrate granting permission to the petitioner to proceed abroad, we have issued a direction to grant such Police Clearance Certificate to the petitioner. It appears that, the petitioner could not travel abroad in the meanwhile on account of some personal difficulties. Accordingly, the petitioner applied for a fresh police clearance to enable him to proceed abroad.

4. The learned Public Prosecutor has pointed that the prosecution has given no objection to issue such Police Clearance Certificate, in view of the verification report as reflected in the letter dated 26 March 2015. As such the learned Public Prosecutor submits

that as far as the prosecution is concerned there is no objection to grant such a Police Clearance Certificate.

5. Mr. M. Amonkar, the learned Central Government Standing Counsel for the respondent No.2 submits that a notification is issued by the Central Government in connection with issuance of passport to the citizens who were facing trials in Criminal Courts. In the present case, it is rightly pointed out by the learned Counsel Mr. Nigel Da Costa Frias that the petitioner is not asking for a passport, but only seeking Police Clearance Certificate to go abroad.

6. The learned counsel appearing for the petitioner also brought to our notice an order passed by learned J.M.F.C. at Quepem in Criminal Case No.78 of 2013, whereby the learned Judge has granted the exemption to the petitioner. The presence of the petitioner to enable him to join his employment abroad subject to conditions stipulated therein.

7. Taking note of the observations of this Court in the order dated 17 April 2014, and considering the order passed by the learned J.M.F.C. dated 16 April 2015 and the said no objection issued by the learned Public Prosecutor, we find no reason to refuse the relief sought

by the petitioner and accordingly direct the respondent No.2 to issue the requisite Police Clearance Certificate as sought for by the petitioner.

8. Rule is made absolute in the above terms.

9. Certified copy expedited.

K. L. WADANE, J.

F. M. REIS, J.

ssk