

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3102 OF 2009
with
CRIMINAL APPLICATION No. 505 OF 2013

Abida Mohammed Dossa. ..Petitioner.

Versus

The Union of India and Others. ..Respondents.

Mr. Ayaz Khan i/b Sultan Khan and Swapnil Wagh for the
Petitioner.

Ms. Rebecca Gonsalvez for Respondent No. 1 and 3.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &
R. G. KETKAR, JJ.

Date : **October 8, 2015.**

P. C. :

1. This is the writ petition under Article 226 of the Constitution of India, seeking directions to the Respondents to immediately issue full validity passport to the Petitioner by removing the restrictions and deleting the observation made on the passport of the Petitioner.

2. Criminal Application No. 505 of 2013 is taken out by the Petitioner seeking directions to the Respondents to remove country specific restrictions from her Passport, enabling her to travel to Saudi Arabai for performing Umrah Pilgrimage for the period of 30 days.

3. Heard the learned Counsel appearing for the respective parties.

4. By the order dated 29th June 2015, this Court had directed the Respondents to decide the Petitioner's representation before 20th July 2015. When matter appeared before the Court on 24th August 2015, Ms. Gonsalvez, the learned Counsel appearing for the Respondent no.1 and 3 submitted that the Petitioner's representation could not be decided for want of security clearance from IB and RAW. Today, Ms. Gonsalvez, states that security clearance from IB and RAW is received and therefore passport can be issued to the Petitioner. She placed on record letter dated 1st October 2015 from the Under Secretary (PV-I), CPV Division, Ministry of External Affairs, Government of India addressed to the Consul (Passport), Consulate General of India, Dubai, UAE. Letter records the security clearances given by both the Agencies and that passport without limitations may be issued to the Petitioner subject to directions contained in the order dated 28th May 2013 given by the Delhi High Court in Writ Petition No. 5193 of 2000.

5. As the clearance is already received from IB as well as the RAW, coupled with the fact that Petitioner's representation is pending since 2009, we direct Respondent No.2 to issue passport to the Petitioner without any limitation. However, if the

activities of the Petitioner are found to be prejudicial in any manner to the interest of the State at any later point of time or for any other reason any limited endorsement is sought to be made in public interest, the Respondents would be at liberty to consider the case in accordance with law.

6. Writ petition as well as Criminal Application stand disposed of.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]