

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.19125 OF 2016

ORDER:

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Heard learned counsel for the petitioner and learned Assistant Solicitor General appearing for the respondents.

This Writ Petition is filed for the following relief:

“.. issue a Writ or Order or Direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in issuing the proceedings No.HY 3078745625715 dated 01.03.2016 requesting the petitioner to furnish specific court order for renewal of his passport, pursuant to his application for renewal of passport vide File No.HY 3078745625715 dated 14.08.2015 as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India, and pass such other order or orders as deemed fit and proper in the circumstances of the case.”

The petitioner submits that IV Additional Judicial First Class Magistrate, Warangal, while granting anticipatory bail to him along with some others in CrI.M.P.No.1288 of 2010 in connection with Crime No.149 of 2016 on the file of Subedari Police Station, Warangal, registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act, imposed a condition that without prior permission of the Court, he shall not leave India. The petitioner filed CrI.M.P.No.1391 of 2010 before the Principal Sessions Court, Warangal, for relaxation of the said condition. The learned Principal Sessions Judge, by order dated 19.10.2010 modified the earlier order as under:

“Pre-condition relating to petitioner/A5 not to leave India without prior permission of the court is relaxed, permitting him to leave India, on his official assignments by intimating the trial Court about his travel plans from time to time, till a charge sheet is filed.”

Learned counsel for the petitioner brought to the notice of this Court the Circular dated 21.08.2014 issued by the Joint Secretary

(PSP) and Chief Passport Officer, New Delhi, stating that passport can also be issued to persons against whom proceedings before a criminal Court are pending on condition of his obtaining permission from the concerned Court as well as an undertaking in writing to that effect.

Learned Assistant Solicitor General has not disputed the same.

In view of the same, the petitioner has to comply with the conditions stipulated in Circular dated 21.08.2014 by producing the required documents.

The Writ Petition is accordingly disposed of. It is, however, open to the petitioner to comply with the conditions stipulated in Circular dated 21.08.2014 and on such compliance, the respondent authorities are directed to reconsider the application of the petitioner for renewal of his passport in terms thereof. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAJASHEKER REDDY, J

Date:27.07.2016

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