

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17150 OF 2016

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ORDER:

The case of the petitioner is that she applied for grant of passport to the 2nd respondent which is registered in File No.HY75C5000061314, dated 01.03.2014. Thereafter, the 2nd respondent addressed a letter to the petitioner stating that he is in receipt of an adverse police verification report wherein it is stated that the petitioner is involved in Crime No.112/2013, pending on the file of Karimnagar III Town Police Station as CC No.948/2013 and that petitioner has suppressed the same. For which the petitioner submitted explanation on 04.07.2014 stating that a false case has been registered against him. But, till date, the petitioner's application for grant of pass port is not being processed. Again when the petitioner approached the 2nd respondent on 18.05.2016 and requested to issue passport, the petitioner was informed that unless the petitioner is acquitted in the aforesaid criminal case, no pass port will be issued to him. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner relied on the Gazette notification dated 25.08.1993 issued under clause (a) of Section 22 of the Passports Act, 1967 which prescribed certain conditions to be fulfilled for issuance of passport in respect of persons against whom criminal proceedings are pending. He also produced circular dated 21.08.2014, issued by the Joint Secretary (PSP) & Chief Passport Officer which also states that passport application may be processed and issued as per the provision of the aforesaid Gazette notification dated 25.08.1993. He also submits that the

petitioner will satisfy the conditions laid down in the notification dated 25.08.1993 vide GSR 570(E) issued under Clause (a) of Section 22 of the Passports Act 1967 and also circular dated 21.08.2014.

Heard learned counsel for the petitioner.

Sri P.Devender, learned Standing Counsel for the respondents on instructions submits that on fulfilling the conditions laid down in the notification dated 25.08.1993 vide GSR 570(E) and circular dated 21.08.2014, petitioner's application will be considered.

In view of the same, it is open for the petitioner to fulfill the conditions laid down in the notification dated 25.08.1993 vide GSR 570(E) which reads as follows;

“G.S.R.570(E):- In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the Court concerned permitting them to depart from India, from the operation of the provisions of clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(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) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not traveled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

and circular dated 21.08.2014 issued by the Joint Secretary (PSP) & Chief Passport Officer. On such compliance, the 2nd respondent is directed to consider the application of the petitioners in accordance with law and take action thereafter within a period of four (4) weeks.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

16.06.2016

Note:

Issue CC in two days.

B/o.tk