

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Criminal Revision No.416 of 2017

Satish Kumar

... Petitioner/2nd Accused

Vs

The State, rep. By
Inspector of Police,
CBI/BS & FC/Bangalore.

... Respondent/Complainant

Criminal Revision filed under Sections 397 and 401 of the Criminal Procedure Code seeking to set aside the order dated 21.01.2016 made in CrI.M.P.No.7857 of 2015 in C.C.No.56 of 2000 by the VIII Additional Principal Special Judge for CBI Cases, Chennai and permit the petitioner to renew his Passport bearing No. M 4014200 for specific period of 10 years and also permit the petitioner to travel to Australia to visit his daughter and grandchildren for a period of 90 days.

For Petitioner : Mr.N.Ramakrishnan for
M/s. Waraon and Sai Rams

For Respondent : Mr.K.Srinivasan
Spl. Public Prosecutor
for CBI Cases

O R D E R

This Criminal Revision has been filed as against the order passed by the learned trial Court in CrI.M.P.No.7857 of 2015 in C.C.No.56 of 2000 filed by the petitioner for the relief of fixing the specific period of ten years time for renewal of his Passport.

2. The learned trial Court, taking into consideration of the pendency of the Criminal Case against the petitioner and also the Notification issued by the Government of India, Ministry of External Affairs, dated 25.08.1993, passed an order only for return of the Passport to the petitioner for the renewal aspect

and left all the remaining aspects as per the Notification. Aggrieved over the same, the present revision has been preferred by the petitioner.

3. The main crux of the argument of the learned counsel for the petitioner is that he is not willing to visit the abroad without conclusion of the trial. However, if the specific period for renewal of the Passport is not fixed by the Court, the renewal will be done only for the period of one year as per the Notification of the Government of India, Ministry of External Affairs, dated 25.08.1993. Hence, it is the contention of the learned counsel for the petitioner that this Court may fix the minimum period of two to three years as the specific period for renewal of the Passport so that the Passport can be renewed for the said period. Hence, prayed for allowing the revision.

4. The learned Special Public Prosecutor for CBI Cases, submitted that the trial of the case is almost over and the matter has been posted for arguments and even after passing the orders by the trial Court, for the past 58 hearings arguments have not been completed. Hence, submitted that the trial can be completed and there is no difficulty for the petitioner for renewal of the Passport.

5. Having regard to the submission of both sides, I am of the view that the Government of India, Ministry of External Affairs vide Notification GSR 570(E) dated 25.08.1993, has fixed certain guidelines for renewal of the Passport to the 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 an order 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 Act, subject to the following conditions, namely:-

"(a) the passport to be issued to every such person 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 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 in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled 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."

6. From the above Notification, it is very clear that unless the Court fixed the specific period for renewal of the passport, normally, it can be renewed for a period of one year only. The learned trial Court has left to the discretion of the Government for fixing the renewal period.

7. The main contention of the learned counsel for the petitioner is that when the person intend to travel abroad, minimum six months validity period should be there to get visas. Therefore, it is the contention of the learned counsel, for at least further period of two years may be fixed by this Court for renewal of passport. The learned counsel for the petitioner further submitted that the petitioner is not willing to travel abroad till the conclusion of the trial proceedings.

8. Taking into consideration of the above submissions of the learned counsel, I am of the view that mere extending the time for a period of two years instead of one year for renewal of the passport, no prejudice whatsoever would be caused to the prosecution. Accordingly, this Court is inclined to extend two years period for renewal of petitioner's passport.

9. Accordingly, the passport bearing No. M 4014200 can be renewed for a period of two years. However, it is made it clear that till the conclusion of the trial the petitioner cannot be permitted to travel abroad.

10. With the above observation, this Criminal Revision is disposed of and there will be a direction to the learned trial Court to complete the arguments of both sides and dispose of the case within a period of two months.

Sd/-
Assistant Registrar(CS VIII)

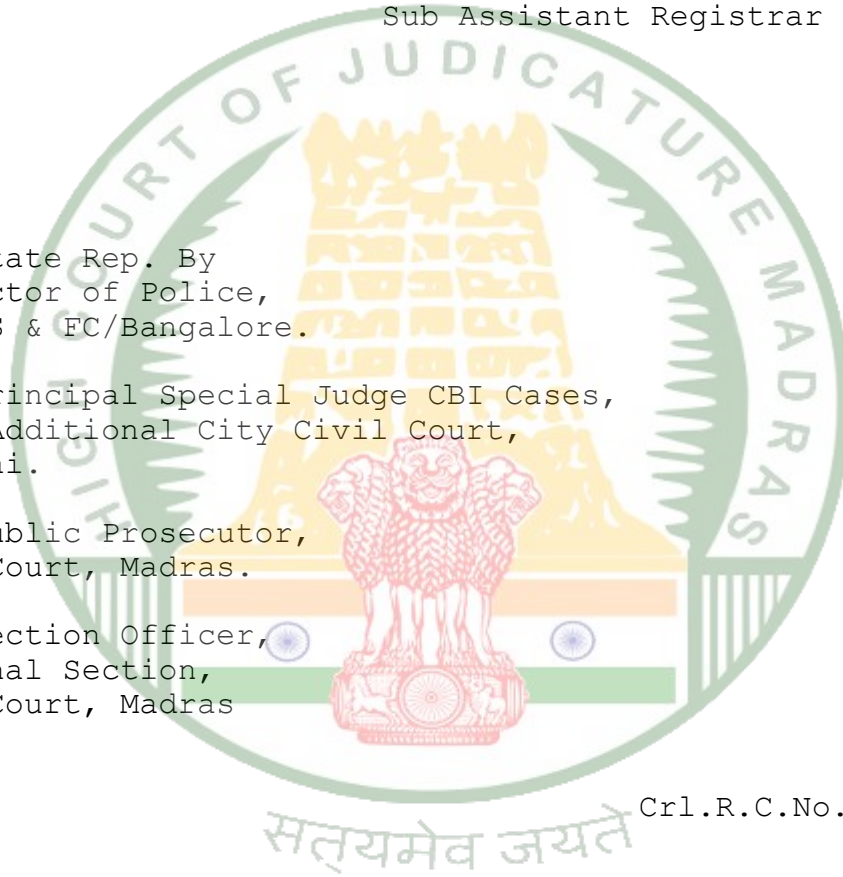
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Sub Assistant Registrar

gr.

To

1. The State Rep. By
Inspector of Police,
CBI/BS & FC/Bangalore.
2. The Principal Special Judge CBI Cases,
VIII Additional City Civil Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Section Officer,
Criminal Section,
High Court, Madras



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SKV(CO)
CS/20/06/17

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