

CWP-409-2015

Date of Decision : 20.02.2017

Torhi Singh Verma

.....Petitioner

versus

Union of India and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Vivek K. Thakur, Advocate
for the petitioner.Mr. Vivek Chauhan, Advocate
for respondent No. 1.**M.M.S. BEDI, JUDGE (ORAL)**

Through instant petition, the petitioner has sought a direction to respondent No. 2 to issue/renew the passport of the petitioner on the basis of application bearing No. 2077190146813 dated 13.08.2013 submitted for issuance/renewal of the passport. The petitioner claims that he had been issued passport No. E-1501361 valid upto 22.07.2012 but after his retirement from Uttar Pradesh Mandi Board service in 2000, an FIR was registered against him bearing No. 523/2004 under Section 13 (1) (e) of Prevention of Corruption Act, 1988. As the passport of the petitioner expired, he filed an application for renewal of the passport.

The relevant instructions issued under Section 22 (1) of the Passport Act, 1967 read with Section 6 (2) (f) of the Passport Act, indicate that there is no absolute bar for seeking renewal of the passport by a person facing trial. As per the notification dated 25.08.1993, the petitioner is required to produce orders from the Court concerned

permitting him to depart from India by specifying the period to transfer abroad. If the period is not specified in the order, the passport shall be issued for one year.

Learned counsel for the petitioner submits that an application has been filed before the Special Judge under Prevention of Corruption Act, Meerut wherein the Court was required to answer a query, if there was any bar for obtaining passport. The Special Judge had made an endorsement that there was no bar. Copy of the said order has been placed on record.

I do not find any absolute bar for the petitioner to obtain a passport provided, he moves an application before the trial Court, seeking permission as per the notification dated 25.08.1993. In case, the said Court passes a specific order, permitting the petitioner to depart from India for a particular period, respondent No. 2 will renew/issue passport to the petitioner against his application already submitted.

Disposed of in the above manner.

Respondent No. 2 shall take necessary action, within a period of one month, after production of the order from the trial Court.

(M.M.S. BEDI)
JUDGE

20.02.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No