

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.21072 OF 2018

ORDER

As the petitioner was involved in Cr.No.07/2017 under Sections 448, 427, 324 read with 34 IPC of Gajwel Police Station of Siddipet District, her passport application in file No. HY1069924280917 dated 25.01.2017, was closed under the impugned order of the 2nd respondent – Regional Passport Officer.

Heard the learned counsel for the petitioner and Sri K.Lakshman, learned Assistant Solicitor General for the respondents.

Under Section 6(2)(f) of the Passport Act, 1967 (for short 'the Act'), no passport shall be issued to a person against whom criminal case is pending. But the Government of India, Ministry of External Affairs, New Delhi, issued notification dated 25.08.1993 under G.S.R. 570(E), where-under the Central Government, in exercise of power conferred under clause (a) of Section 22 of the Act, exempted 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 Clause (f) of sub-section (2) of Section 6 of the Act, subject to conditions mentioned in the said notification.

Learned counsel for the petitioner also produced Circular No.V.I/401/1/3/2014 dated 21.08.2018, issued by the Ministry of External Affairs, which is to the effect that the applicant, who is facing criminal case, is required to submit permission of the concerned court, as well as an undertaking on a plain paper, as provided in clause (d) of the notification dated 25.08.1993 under GSR.570(E).

In view of the above, it is open for the petitioner to approach the court, where the criminal case is pending against her, seeking permission to depart

from India and based on the same, 2nd respondent shall consider the application of the petitioner for issuance of passport in accordance with law.

With the above observation, writ petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:25—06—2018

AVS

