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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 13.3.2018

+ W.P.(C) 2291/2018

ASHOK KUMAR SHARMA

..... Petitioner

Through: Mr. B.P. Singh with Mr. Anubhav
Gutpa, Advs.

versus

THE REGIONAL PASSPORT OFFICER & ORS Respondent

Through: Mr. Arun Bhardwaj, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

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RAJIV SHAKDHER, J. (ORAL)

CM No.9500/2018

1. Allowed, subject to all just exceptions.

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2. Issue notice.

3. Mr. Arun Bhardwaj, who accepts notice for the respondents, says that no counter affidavit needs to be filed.

4. The undisputed fact is that the validity of the petitioner's passport bearing No.K1813196, expired on 9.4.2014. The petitioner has sought renewal of his passport, which has not come through to date.

4.1 Pertinently, the petitioner has been convicted by the concerned Trial Court in RCAC 12004A005 vide judgment dated 12.9.2014, and has, consequently been sentenced to undergo rigorous imprisonment for three years with a fine of Rs.10 lakhs. The sentencing order is dated 15.9.2014.

4.2 It appears that the petitioner has filed an appeal against his conviction

and sentence, which is, registered as Criminal Appeal No.1464/2014. The appeal, which is lodged in this Court, is pending adjudication.

5. It is asserted that vide order dated 21.8.2017, this Court, has suspended the sentence passed by the trial court qua the petitioner.

6. The petitioner also contends that he had moved an application in the Criminal appeal for issuance of “No Objection Certificate” (NOC). The record shows that while opposing the application, the Central Bureau of Investigation (CBI) took the stand that no NOC was required to be issued as in terms of Clause 17(a) of the application form prescribed for renewal of passport, NOC was required to be issued only if criminal proceedings were pending against the accused. In other words the stand of CBI was that since the petitioner had already been convicted, NOC was not required to be issued.

6.1 The petitioner claims that it is in these circumstances that he withdrew his application for issuance of an NOC. The record also shows that the petitioner had filed two representations with the respondents for renewal of his passport. These representations are dated: 1.2.2018 and 26.2.2018. According to the petitioner, he has received no response qua these representations.

7. Having regard to the aforesaid facts and circumstances, respondents are directed to deliberate upon the representations filed by the petitioner, and thereupon, pass a speaking order with regard to his request for renewal of passport.

8. Let the needful be done within 10 weeks from today. If necessary, the petitioner will be called for personal hearing in the matter.

9. Writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

MARCH 13, 2018/pmc

