

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5547 of 2016

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Mohammad Gurfan Ansari Son of Mohammad Haji Khalique Ansari,
Resident of Champa Nagar Masjid Lane, P.O. Champa Nagar, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, Ministry of External Affairs,
Government of India, New Delhi
2. The Councillor, Passport and Visa Division, Passport Seva, Ministry of
External Affairs, Government
3. The Regional Passport Officer, Regional Passport Office, Ashiana Digha
Road, Patna-14.
4. The Superintendent of Police, Bhagalpur, State of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Tiwary
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen.
For U.O.I.	:	Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 05-09-2019

1. At the outset, the learned counsel for the petitioner seeks to correct the name of the petitioner herein, which on account of typographical error has been mis-spelt.

Permission is granted. Let the name be corrected during the course of the day.

2. The present writ petition was initially filed for directing the respondent authorities to issue passport to the petitioner herein.

The brief facts of the case are that the petitioner had applied for issuance of a passport at Regional Passport Office,



Patna on 23.01.2014, whereafter a show cause notice dated 10.03.2014 was issued to the petitioner stating therein that the police verification report has been received and it appears that the appellant had been convicted and sentenced to imprisonment for a period of 10 years. The petitioner had then filed reply to the aforesaid show cause notice on 29.03.2014 stating therein that the petitioner was convicted and sentenced to undergo imprisonment of 10 years vide judgment dated 08.07.1988 passed by the 4th Additional Sessions Judge, Bhagalpur in Sessions case no. 36 of 1982/ 08 of 1985 which was challenged by the petitioner before the Hon'ble Patna High Court where the sentence had been reduced to a period of 05 years. Thereafter, the petitioner is stated to have approached the Hon'ble Supreme Court in Criminal Appeal no. 1114 of 1999 but the said appeal was dismissed vide order dated 17.11.2004. It is submitted that since the petitioner is illiterate, his friend had filled up the application form, hence the aforesaid fact that the petitioner had undergone the sentence imposed upon him and was released from prison on 15.12.2012 and during the last five years, he had neither been convicted of any offence nor he has been sentenced to undergo any imprisonment, was omitted to be disclosed. It appears that the aforesaid matter, pertaining to concealment of



criminal record, has stood disposed off and concluded by imposition of a fine of Rs. 5,000/- vide order dated 15.01.2015 passed by the Regional Passport Officer, which was duly paid by the petitioner on 23.01.2015. However, subsequently, it appears that on account of the petitioner having not responded to the queries made by the Passport Office, his case was closed by the Regional Passport Office by an order dated 18.10.2017, however the petitioner has been granted liberty to apply for fresh passport with all documents and requisite fees at any time at the passport center which is near to the place of his present residence.

The learned counsel for the petitioner submits that the petitioner would apply afresh for passport, however, the authorities should be directed to consider his case for grant of passport without being prejudiced by the closure of his earlier case for grant of passport.

Having regard to the facts and circumstances of the case and considering the fact that the respondents- authorities have granted liberty to the petitioner to apply for a fresh passport, I deem it fit and appropriate to grant liberty to the petitioner to approach the concerned Regional office by filing fresh application for grant of passport in accordance with law,



whereupon the passport authorities shall decide the same in accordance with law without being prejudiced by the closure of the earlier case of the petitioner for grant of passport, which was closed vide order dated 18.10.2017.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.10.2019
Transmission Date	NA

