

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 5406 of 2018

Supriya Dhall @ Gita Rangachari	Petitioner
versus	
The State of Maharashtra	Respondent

Mr. A. H. Ponda i/b. Mr. Karan L. Jain, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 7th AUGUST, 2019.

P. C. :

Heard Mr. Ponda, learned counsel for the petitioner and
Mrs.Pai, learned APP for the State.

2. The petitioner, who is a citizen of United States of America since 2009 and Overseas Citizen of India since 2012, is seeking the following reliefs:

a. This Hon'ble Court may be pleased to kindly direct the Shivaji Park Police Station to return the Petitioner's United States of America Passport issued in the name of Dhall Supriya, Passport No.464406567 with date of issuance being 04/11/2009 and date of expiry being 03/11/2019;

b. This Hon'ble Court may be pleased to kindly direct the Shivaji Park Police Station to return the Petitioner's Certificate of Registration of Overseas Citizen of India, issued in the name of Dhall Supriya, Date of Issue-02/03/2012;

c. This Hon'ble Court may be pleased to kindly direct the Shivaji Park Police Station to return the Petitioner's Driver's License of California No.D2074596 issued in the name of Dhall Supriya, expiring on 04/28/2018.

2. On 8th January, 2015, the petitioner was called for enquiry in connection with the application received from one Mrs.Supriya Rohit by Senior Inspector of Police, Shivaji Park Police Station. A detailed statement of the petitioner was recorded on that day and time was granted to her to submit relevant documents. On the very same day, said inspector impounded the petitioner's following documents :

1. Passport of United States of America issued in the name of Dhall Supriya, Passport No.464406567, Date of issue – 04 Nov. 2009, Date of expiration – 03 Nov.2019.
2. Certificate of registration, Overseas Citizen of India, issued in name of Dhall Supriya, Date of issue – 02/03/2012.

3. Government of India, Income-Tax Department, Pan Card No.EFVPS2601D in the name of Supriya Dhall.

4. Driver Licence of California No.D2074596 issued in the name of Dhall Surpiya, expiring on 04/28/2018.

3. On 9th January, 2015, FIR was registered against the petitioner, at the instance of first informant – Mr.Supriya Rohit, for offences punishable under Sections 419, 465, 467 and 471 of the Indian Penal Code, 1860 and Section 3 read with 12(a) and (b) of the Passport Act. This FIR is investigated and charge-sheet is filed on 29th December, 2015. The petitioner, thereafter, filed a discharge application and so far as offences under passport is concerned, she has been discharged. However, the criminal case against the petitioners for offences under IPC is pending.

4. Mr. Ponda, learned counsel for the petitioner, submitted that petitioner's maiden name is Gita Rangachari and, it is in this name, she has received a Memorandum dated 3rd August, 2015 from the Consulate General of United States of America. By this memorandum, the petitioner's passport was revoked on the ground that it was obtained illegally, fraudulently or erroneously. The petitioner was directed to surrender her passport to the department. Mr. Ponda, learned counsel, invited our attention to the last paragraph of the said memorandum and

submitted that despite revocation of the passport, the petitioner could have returned to USA, however, she stayed back in India to look after ailing parents.

5. Mrs. Pai, learned APP, opposed the petition on the ground that the petitioner impersonated Supriya Rohit to obtain Passport, Overseas Citizen of India (OCI) Card and other documents. Mr. Ponda, learned counsel for the petitioner, disputed this statement and submitted that the petitioner used the documents of said Supriya Rohit for obtaining job in India.

6. Be that as it may, today the petitioner has approached this Court for directions to the Investigating Officer to return the petitioner's passport and certificate of registration of OCI and driving license. Mr. Ponda, learned counsel for the petitioner, fairly stated that the petitioner wants to surrender the said passport to the U.S. Authorities and wants to make a fresh application for new passport. Mr. Ponda, relying upon the provisions of Passport Act and a decision of the Hon'ble Apex Court in **Suresh Nanda versus Central Bureau of Investigation (2008) 3 SCC 674**, submitted that the police has no authority to impound the petitioner's passport, OCI and other documents, therefore, the petitioner is entitled to the relief claimed in the petition.

7. Mrs. Pai, learned APP, does not dispute that the police has no power to impound the passport, OCI card and other documents of the petitioner and, this power is vested only with the passport authority under Section 10 of the Passports Act, 1967. She submitted that the said documents can be returned to the petitioner subject to petitioner submitting details of application which she would make for obtaining fresh passport from US Authorities and consequently, before leaving India, she will seek permission from the Trial Court.

8. Mr. Ponda, learned counsel for the petitioner, makes a statement that if the impounded passport, OCI card and other documents are returned to the petitioner, she will surrender the passport to the US Authorities and also provide details of the application which would be made to the US Authorities for issuance of fresh passport. He also makes a statement that the petitioner has never abused the liberty in the past and, if in the event, she wants to travel to USA, before leaving, she will seek permission from the Trial Court and shall also remain present before the Trial Court at the time of the trial of the subject case. The above statements are accepted as undertaking.

9. In the above circumstances, we allow the petition in terms of prayer clauses (a), (b) and (c) on the following conditions :

- i. The petitioner shall provide details of the application which

would be made to the US Authorities for issuance of fresh passport to the concerned Police Station.

- ii. If in the event, the petitioner wants to travel to the USA, before leaving, she will seek permission from the Trial Court.
- iii. The petitioner shall remain present before the Trial Court at the time of the trial of the subject case.

10. The writ petition stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]