

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.16458 of 2019

ORDER:

This writ petition is filed questioning the action of the 2nd respondent in not issuing the passport in favour of the petitioner on the premise that two criminal cases are pending against him being CC No.296 of 2012 on the file of Court of Judicial First Class Magistrate, Mulugu, Warangal District and CrI. A.No.884 of 2017 on the file of II Addl. District & Sessions Judge, Ranga Reddy district at LB Nagar as being illegal, arbitrary and violative of principles of natural justice.

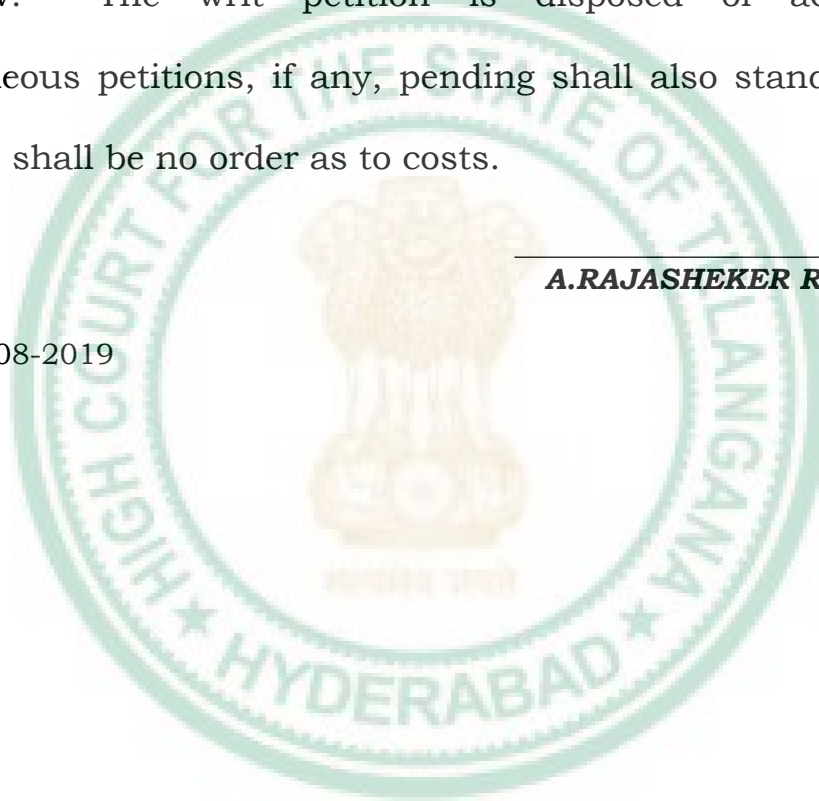
02. Learned counsel for the petitioner submits that one of the criminal case pending against the petitioner in CC No.296 of 2012 is stayed by this Court in CrI.P.No.7124 of 2014 and another case pertains to recovery of amounts and none of the two offences are offences of moral turpitude. On the other hand, learned Asst. Solicitor General appearing for the respondents submits that the issue of passport in respect of persons against whom criminal cases are pending is governed by the Circular No.V.I/401/1/3/2014, dated 21-08-2014, issued by the Ministry of External Affairs, which stipulates that the applicant is required to take permission from the concerned Court where his case is pending and also execute an undertaking as required under the circular, and the petitioner has to follow the said procedure for issue of the passport.

03. In view of the above circumstances, it is open for the petitioner to work out his remedies before the concerned Courts for grant of permission. In respect of proceedings in CC No.296 of 2012, the proceedings of which are stated to be stayed by this

Court in Crl.P.No.7124 of 2014, it is open for the petitioner to seek for modification of the stay order so as to enable him to seek permission from the Court where the proceedings in CC No.296 of 2012 are pending. In any case, if the petitioner obtains permission from the competent Courts and subject to complying other formalities for issue of passport, it is open for the 2nd respondent to consider the application of the petitioner for issue of passport within a period of four weeks from the date of his submitting the application complete in all respects, in accordance with law. The writ petition is disposed of accordingly. Miscellaneous petitions, if any, pending shall also stand disposed of. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 07-08-2019
NRG



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Date: 07-08-2019

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