

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.19409 of 2019

ORDER:

This writ petition is filed questioning the action of the 2nd respondent in not re-issuing the passport in favour of the petitioner on the premise that a criminal case is pending against him in Cr.No.228 of 2016 on the file of PS Hussainialam, Hyderabad, as being illegal, arbitrary and violative of principles of natural justice.

02. Learned counsel for the petitioner submits that the petitioner is B.Tech 3rd year student studying at Muffakkham Jah College of Engineering and Technology, Hyderabad, and as he intend to go abroad, he had obtained passport bearing no.T4820870 in the year 2012 valid upto 23-03-2016 and; thereafter the petitioner made an application for renewal of his passport which was duly renewed.

03. While the matter stood thus, the 2nd respondent issued a notice dated 02-07-2019 to the petitioner seeking clarifications particularly the regarding Cr. No.228 of 2016 registered by the PS Hussainialam, Hyderabad, for the offences under Sections 147, 302, 120-B, 212 r/w.149 IPC and Section 27 (3) of the Arms Act against the petitioner and his family members. Petitioner's counsel states that there are civil disputes and the present criminal case is foisted against the petitioner and his family members as a counter blast to the criminal case lodged by the father of the petitioner in Cr. No.38 of 2016 on the file of same PS and the criminal case filed against him and his family members is a false and foisted case.

04. On the other hand, learned Asst. Solicitor General appearing for the official 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, Government of India, 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 or re-issue of the passport.

05. In view of the above circumstances, it is open for the petitioner to work out his remedies before the concerned Court where the criminal case is pending. In any case, if the petitioner seeks permission from the competent Court to leave the country for further studies or for any other reasons mentioned in the petition, the concerned Court to consider the same and dispose of expeditiously, taking into consideration the urgency pleaded by the petitioner. In the event, the petitioner succeeds in obtaining permission to leave the country from the concerned Court, it is open for the 2nd respondent to consider the case of the petitioner for re-issue of passport within a period of one week 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: 29-10-2019
NRG

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