

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25499 of 2019

ORDER:

In this writ petition, grievance of the petitioner is that his application seeking issuance of passport, dated 13.03.2019 was refused on the ground that a criminal case is pending against him.

A perusal of the order, dated 13.03.2019 discloses that Crime No.281 of 2013 on the file of I Town Police Station, Khammam is registered against the petitioner for the offences punishable under Sections 447, 418, 427 and 506 IPC.

Learned Government Pleader for Home appearing for respondent No.3 submits that yet another Crime bearing No.242 of 2017 on the file of I Town Police Station, Khammam, is pending against the petitioner for the offences punishable under Sections 420, 493, 376, 417, 506, 294 (B) and 406 IPC read with Section 34 IPC and Section 156 (3) Cr.P.C.

It may be noted that so far as Crime No.281 of 2013 is concerned, entire process of investigation is stalled on account of the stay obtained by the petitioner from this Court in Criminal Petition No.9365 of 2013, which is pending. It may also be noted that *vide* impugned order, the petitioner was informed that as per the procedure prescribed under GSR 570 (E), dated 25.08.1993, he is required to take certain steps before seeking passport.

In GSR 570 (E), dated 25.08.1993, following conditions have been laid down:

- (a) the passport to be issued to every such citizen shall be issued-
 - (i) for the period specified in order of the Court referred to above, if the Court specifies a period for which the passport has to be issued; or
 - (ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;
 - (iii) if such order gives permission to travel abroad for a period of less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or
 - (iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.
- (b) any passport issued in terms of (a)(ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not traveled abroad for the period sanctioned by the Court; and provided further that, in the meantime, the order of the Court is not cancelled or modified;
- (c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh Court order specifying a further period of validity of the passport or specifying a period for travel abroad;
- (d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the Court concerned, appear before it at any time during the continuance in force of the passport so issued.

In the light of the above, though there is no bar for granting passport, the conditions prescribed therefor are required to be adhered to.

In those circumstances, the writ petition is disposed of giving liberty to the petitioner to follow the procedure prescribed in GSR 570 (E), dated 25.08.1993 and pray thereafter, for issuance of passport. On such request, the Regional Passport Officer shall consider the same strictly in accordance with law.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

Dt:04.12.2019

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CHALLA KODANDA RAM, J

