

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6097 of 2000

Date of Decision: 29.04.2019

Ajit Singh

...Petitioner

Vs.

Regional Passport Officer, Chandigarh

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.D.D.Bansal, Advocate
for the petitioner.
None for the respondent.

RAJIV NARAIN RAINA, J. (Oral)

1. The impugned order imposing fine of Rs.5000/- under Section 12 of the Passport Act, 1967 (for short, “the Act”) for a passport violation, has been challenged in this petition, on the ground that the Passport Officer has no jurisdiction to have imposed a fine of Rs.5,000/-. Section 12 of the Act deals with offences and penalties for contravention of the provisions of Section 3 of the Act or for any of the reasons mentioned in Section 12-(1)(a) to (e). The violation of the Act for an offence described in Section 12 of the Act can be punished with imprisonment for a term which may extend to six months or with a fine which may extend to Rs.2000/- or with both. There can be no doubt that the maximum fine which can be imposed is Rs.2000/- but the competent authority did not impose punishment of imprisonment upon the petitioner and obviously found mitigating circumstances to confine the penalty of payment of the money. If, he had exceeded the money by Rs.3000/-in exercise of discretion, that discretion can be said to have been exercised beyond the permissible limit. But then if this argument is to succeed then the matter would have to be remitted to the competent authority to

re-consider the issue on quantum of penalty which may result in imprisonment while seeking refund of Rs.3000/-. I wonder whether the petitioner would want such a thing to happen. In any case one is about two decades from the impugned order. Therefore, for this relief and for such a petty amount I would refuse to exercise the extraordinary writ jurisdiction under Article 226 of the Constitution when the conduct which led to fine for violation of the law is beyond doubt. With these observations, the petition is dismissed.

29.04.2019
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No