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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7220/2019 & CM Nos. 30007/2019 & 30008/2019**

SANJAY VERMA

..... Petitioner

Through: Mr Bharat Malhotra, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Rajesh Gogna, CGSC with Mr
Kamaldeep, Ms Shreya Sinha and Mr
Prince Raushan, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.07.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning an Office Order dated 14.06.2019, whereby the petitioner's application for renewal of his passport has been rejected on the ground that the petitioner was convicted for criminal offence involving moral turpitude and was sentenced to imprisonment for a period of more than two years.
2. It is the petitioner's case that the petitioner would be entitled to a passport pursuant to a Notification dated 25.08.1993 [GSR 570(E)], whereby the Central Government had relaxed the provisions of Clause (f) of Sub-Section (2) of Section 6 of the Passports Act, 1967 (hereafter 'the Act'). The said Notification was issued by the Central Government in exercise of powers under Section 22 of the Act. The petitioner has been convicted for an offence under Sections 420/468/470/471/473/476/120B of the Indian Penal Code, 1860 read with Section 13(1)(d) and 13(1)(c) read with Section

13(2) of the Prevention of Corruption Act, 1988, in the case captioned '**Central Bureau of Investigation (CBI) v. Bhupinder Singh and Ors.**' bearing **CBI Case No. (New) 25/2016** and the petitioner has been sentenced to undergo imprisonment for four years.

3. The petitioner had filed an appeal (CRL(A) 977/2016) against the order before this Court and by an order dated 30.11.2016, the sentence imposed on the petitioner has been suspended subject to the conditions that the petitioner would not leave the country. Subsequently, the petitioner has been granted permission by this Court to travel overseas subject to certain conditions.

4. The question whether the respondents are entitled to refuse a passport to a person who has been convicted of a criminal offence involving moral turpitude and has been sentenced to imprisonment for a period not less than two years was considered by this Court in **Ashok Kumar Sharma v. The Regional Passport Officer & Ors.: W.P.(C) 9957/2018**.

5. Concededly, the relief sought by the petitioner is squarely covered by the said decision. However, the learned counsel appearing for the petitioner states that he has also prayed that respondents be directed to issue fresh guidelines under Section 22 of the Act *qua* the rigours of Section 6 (e) of the Act, which specifies that a passport may be refused to persons convicted of an offence involving moral turpitude and sentenced to imprisonment. He also submits that provisions of Section 6(2)(e) and Section 6(2)(f) of the Act be read in harmony.

6. First of all, this Court finds no ground to direct the respondents to exercise powers of relaxation. These are general powers conferred on the Central Government to exempt application of certain provisions of the Act.

No directions to exercise these powers are warranted.

7. It is seen that the petitioner had also filed a similar petition before the Vacation Bench of this Court (W.P.(C) 6880/2019), which was dismissed as withdrawn by an order dated 24.06.2019, that reads as under:-

“After arguing for some time, learned counsel for the Petitioner wishes to withdraw the present petition.

In view of the aforesaid, the writ petition as well as pending application are dismissed as withdrawn.”

8. Plainly, in view of the aforesaid order, it is not open for the petitioner to re-agitate the same issues. The learned counsel appearing for the petitioner states that the prayers made in the present case are different, inasmuch as, the petitioner has apart from challenging the order dated 14.06.2019 also prayed that this court “..pass, writ, order or direction, whereby, directing the respondent to read the provision of Section 6(2)(e) and Section 6(2)(f) of the s Act in harmony with each other and to further issue a direction/order to issue fresh guidelines qua Section 6(2)(e) of the Act”. The aforesaid contention is unmerited. The principal challenge of the petitioner is to the order dated 14.06.2019. The contention that provisions of Section 6(2)(e) and Section 6(2)(f) of the Act be construed in a harmonious manner, is merely one of the grounds in support of the aforesaid relief. It is also seen that the petitioner had a statutory right of appeal against the impugned order dated 14.06.2019, which has not been availed of by the petitioner.

9. This Court is of the view that the present petition ought to be dismissed with costs.

10. At this stage, learned counsel appearing for the petitioner seeks to

withdraw the present petition. He states that the petitioner will voluntarily deposit ₹15,000/- as with the Delhi High Court Bar Association Library Fund within a period of one week from today.

11. The petition is dismissed as withdrawn. The petitioner shall deposit the costs of ₹15,000/- with the Delhi High Court Bar Association Library Fund within a period of one week from today.

12. The pending applications are disposed of.

VIBHU BAKHRU, J

JULY 08, 2019
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