

\$~67

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

+ W.P.(C) 10917/2017 & CM No. 19477/2019

SHRI OM PRAKASH GUPTA AND ANR. Petitioners

Through: Mr Puneet Goel and Ms Sunny Dagar,
Advocates.

versus

THE UNION OF INDIA AND ORS. Respondents

Through: Mr Vivekanand Mishra, Senior Panel
Counsel for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.04.2019**

1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to the respondents to renew their passport for a period of ten years as per the Passport Act, 1967 and the rules made thereunder.
2. It is stated that two criminal cases are pending against the petitioners: one before the learned ACMM, District East, Karkardooma Courts (FIR No.257/2012 PS Preet Vihar) and the other before the MM (Mahila Court), District Central, Tis Hazari Courts (FIR 242/2012 PS Kotwali.)
3. In view of the pendency of the aforesaid two cases, the passports of the petitioner have been renewed only for a period of one year. The petitioners had applied for permission for the renewal of their passports to the concerned Court. The same was ordered to be renewed as per the Rules. The principal controversy involved in the present petition is whether the passport issued to the petitioners are required to be renewed for a period of ten years, or for a period of one year as per the notification – GSR 570(E)

dated 25.08.1993.

4. Although, in terms of Section 6 of the Passports Act, 1967, passport can be denied to person against whom criminal cases are pending, the said requirement has been relaxed pursuant to the said notification, which has been issued in the exercise of powers conferred under Section 22(a) of the Passports Act, 1967.

5. The learned counsel appearing for the parties states that the present controversy is covered by the earlier decision of this Court in *Deepak Jain v. Union of India and Ors.: W.P.(C) 10680/2018* decided on 08.10.2018. In the said case, this Court disposed of the petition by permitting the petitioner to approach the concerned court for the necessary clarification. It was further directed that in the event, the Trial Court indicates that it has no objection for the passport to be renewed for the full term as provided under the Passport Rules, 1980, the petitioners therein could make a fresh application for renewal of the passport and the same would be processed, accordingly.

6. The present petition is also disposed of in the aforesaid terms. The petitioners are at liberty to seek the necessary clarification from the concerned courts. In case the concerned courts have no objections for the renewal of the passport for the term of ten years, the petitioner are at liberty to apply for renewal of their passport for the aforesaid terms and their application would be considered, accordingly. The pending application stands disposed of.

VIBHU BAKHRU, J

APRIL 26, 2019