

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.389 of 2018

Arising Out of PS. Case No.-262 Year-2009 Thana- BHAGWAN BAZAR District- Saran

Shobhit Kumar Saurabh @ Shobhit Saurav S/o Sri Uma Nath Sharma, R/o Bharat Milap Chowk, Bhagwan Bazar, P.O. and P.S.- Bhagwan Bazar, District- Saran Chapra.

... .. Petitioner

Versus

1. State of Bihar.
2. Rashmi Kumari W/o Shobhit Kumar Saurabh and D/o Sri Ram Singar Sharma, R/o Government Flat No. 167, Road No.6, Rajvanshi Nagar, P.S.- Shashtri Nagar, Distt.- Patna-23, at present Purbi Gola Road, P.O. and P.S.- Danapur, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Ms. Alka Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-01-2020 Although, this case is listed under the heading 'For Orders (On Office Notes)' but from the submission of learned counsel for the parties it appeared that the matter is ready for disposal and both the parties are willing to participate for such purpose.

In such view of the matter, the learned counsel for the parties have been heard, opposite party no. 2 is also represented through her learned counsel and she is personally present.

After hearing learned counsel for the parties what has transpired is that the petitioner is aggrieved by and dissatisfied with the order dated 17.01.2018 passed by learned Additional Sessions Judge X, Patna in Session Trial No. 809 of 2015 by



which a petition dated 18.12.2017 filed on behalf of the accused-petitioner to grant necessary permission to the Passport Office to renew/issue his passport, has been rejected.

Learned counsel for the petitioner has drawn the attention of this Court towards Annexure '5' which is a communication issued by the Passport Office and the remarks made therein shows "***Advise to furnish order of the court/court judgment***". Learned counsel for the petitioner submits that the petitioner is a software engineer in IBM company and when his passport expired, he made an application for renewal of his passport but the same has been kept on hold because of the pendency of the case which is an outcome of a matrimonial dispute between him and his wife.

Learned counsel submits that at this stage the petitioner is only looking for renewal/issuance of his passport and in absence of the passport he may lose his job because in case of urgency to go abroad in connection with his service conditions, he would not be able to apply for visa and at that stage he may lose his employment. Learned counsel for the petitioner, however, makes it clear that at this stage the petitioner is not looking any permission from this Court to go abroad and is only confining for purpose of passport.

Learned counsel for the opposite party no. 2 having



understood the submission that at this stage the petitioner is only looking for renewal/issuance of his passport and a question as to whether the petitioner may be permitted to go abroad or not in course of trial will be looked into only after he gets his passport and applies for such permission in the trial court, does not object to the submission of learned counsel for the petitioner and submits that so far as issuance of passport is concerned, she has no objection.

Having heard learned counsel for the parties, in view of the submissions made hereinabove, this Court sets aside the impugned order dated 17.01.2018 and it is open for the petitioner to produce this order before the passport authority for purpose of renewal/issuance of the passport which has been withheld in want of court's permission. The application dated 18.12.2017 filed by the petitioner is allowed to the aforesaid extent leaving it open for the petitioner to make an appropriate application in the court below as and when occasion arises for grant of permission to go outside the country and that will be totally independent consideration by the court below.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/ved

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