HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 3073/2020

Abhayjeet Singh S/o Balvinder Singh, Aged About 39 Years, By Caste Jatsikh, R/o 06 OB, Police Station Kesrisinghpur, Tehsil Karanpur, District Sriganganagar.

----Petitioner

Versus

State, Through P.p.

----Respondent

For Petitioner(s) : Mr. Nishant Bora, throughvideo-call.
For Respondent(s) : Ms. Rajlaxmi Singh Choudhary, P.P.

HON'BLE MR. JUSTICE MANOJ KUMAR GARG
Judgment / Order

08/12/2020

The instant petition has been filed by the petitioner/applicant Abhayjeet Singh with a prayer to direct the Passport Authority to issue passport in his name.

An F.I.R. No. 239/2012 at Police Station Kesrisinghpur u/s 498A, 406, 323 IPC came to be lodged against the present petitioner / applicant Abhayjeet Singh by Dr. Chandan Singh regarding demand of dowry and cruelty from his wife Jaskeerat Singh. The Police concluded the investigation and filed charge-sheet in the matter u/s 498A, 406, 323 IPC against the present applicant and co-accused persons. The learned trial court thereafter framed charges against the present applicant, father-in-law, mother-in-law. The Revisional Court has set aside the order framing the charges against the father-in-law, mother-in-law. However, charges against the present applicant/petitioner-husband Abhayjeet Singh were kept intact. Against the said order,

the petitioner preferred CrlMP being No. 999/2016 challenging the said above charge. The Hon'ble High Court admitted the petition and stayed the order by which the charges were framed against the present petitioner/applicant.

Learned counsel for the applicant has submitted that the applicants-appellants wants to visit Saudi Arabia, therefore, the concerned authority may be directed to issue passport in favour of the applicant in terms of the Notification No.VI/401/37/79 dated 25.08.1993 issued by the Ministry of External Affairs, New Delhi.

The Notification No.VI/401/37/79 dated 25.08.1993 issued by the Ministry of External Affairs, New Delhi is reproduced as under:-

"MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION

New Delhi, the 25th August, 1993

G.S.R. 570(E).–In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:–

(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 specified 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 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 travelled 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 afresh 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.

[No. VI/401/37/79]
L.K. PONAPPA, Jt. Secy. (CPV)"

Counsel for the respondents submits that if the applicant follow the guidelines issued by the Ministry of External Affairs, then they will consider the application of the applicant for issuing passport in their names.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, this Court deems it proper to direct the concerned authority to consider the application of the applicant for issuing passport in his name, if otherwise he is eligible for possessing the passport, strictly in accordance with the law.

The misc. application is disposed of accordingly.

Stay petition is also decided.

(MANOJ KUMAR GARG),J

54-/-Prashant