

11.03.2022

Ct. No. 13

Sl.36

pk

W.P.A No. 3357 of 2022
(Through Video Conference)

Somenath Ghosh
Vs.
Union of India and others

(Through Video Conference)

Mr. Srijan Nayak,
Mrs. Rituparna Maitra,
Mr. Arindam Mitra

... for the Petitioner.

Mr. Chandreyi Alam

... for the Union of India

The writ petitioner is aggrieved that his application for passport has been closed without assigning any reason in July, 2021.

Charge sheet has been filed against the petitioner before the Court of the learned ACJM, Howrah under Section 420 of the Indian Penal Code being G. R. Case No. 1206 of 2014 arising out of Jagacha Police Station Case No. 82 of 2014 dated 10.03.2014.

Counsel for the Union of India produces the Circular of Ministry of Home Affairs whereunder, Section 6 has been clarified to indicate that a person against whom criminal proceedings are pending, is not normally entitled to passport.

Passport can still be issued to such person upon leave and/or permission and/or subject to terms and

conditions of the Court where the petitioner's criminal proceeding is pending.

In view of the above, the petitioner may apply before the learned ACJM, Howrah for such clearance to receive passport and to travel abroad.

The learned ACJM, Howrah, upon receipt of such application from the petitioner, shall consider the same on its own merits in accordance with law, the applicable Rules and gravity of charges against the petitioner and dispose of the same within fifteen days thereafter.

If the petitioner receives such permission from the Magistrate, he may apply for passport afresh and the same may be considered by the Regional Passport Office, Kolkata.

With the aforesaid observations, the writ petition shall stand disposed of.

There will be no order as to costs.

(Rajasekhar Mantha, J.)