

07.11.2022
sayandeep
Sl. No. 17
Ct. No. 05

WPA 20676 of 2022

Ianus ali Sarkar (Unus Sarkar) @ Yunus Sarkar
-Versus-
Union of India & Ors.

Mr. Rishi Raju
Mr. Suvranil Saha
.....for the petitioner
Mr. Kumaresh Dalal
.....for the respondent Nos. 1 to 4

The grievance of the petitioner relates to a minutes of personal hearing by the Regional Passport Office, Kolkata dated 10th August, 2022 by which the petitioner was directed to submit a No Objection /order from the concerned Court with regard to the petitioner's proposed travel outside the country. The provisions referred to in the said hearing are Section 10(3) of the Passports Act, 1967 which authorizes the passport authority to impound or revoke the passport or a travel document upon satisfaction of the conditions laid down in Section 10(3). The relevant Notification in connection with this provision is of 25th August, 1993 issued by the Ministry of External Affairs. The Notification provides for a no objection order from a criminal Court in which criminal proceedings are pending against the particular citizen of India.

The records before the Court show that by an order dated 16th August, 2022, the CJM, Murshidabad recorded that the charge-sheet has been submitted to

the sessions triable offence and hence be committed to the Court of learned Sessions Judge, Murshidabad. The prayer for renewal of the passport was rejected on that basis (according to the petitioner, this recording is factually incorrect).

Learned counsel appearing for the petitioner submits that the case has not been committed to the Sessions Judge, Murshidabad after 16th August, 2022 and hence the petitioner is not in a position to take steps in compliance with the relevant under Section and Notification.

Considering the fact that the petitioner cannot be left in a perpetual state of uncertainty with regard to the pending criminal proceedings and suffer the consequences of Section 10(3) read with Notification, WPA 20676 of 2022 is disposed of with the direction on the CJM, Murshidabad to forthwith inform the petitioner, upon a suitable application be made for the same, as to the status of the criminal proceedings. This should be done not later than two weeks from today. In the event, the case has been committed to the Sessions Judge, Murshidabad, the latter is further directed to expedite the proceedings and ensure that the petitioner is given a sufficient opportunity to comply with the Act and the Notification. The Sessions Judge, Murshidabad shall make a serious attempt to complete

the proceedings within a reasonable period of time and not later than ten weeks from today.

It is further made clear that since the Regional Passport Authority has not taken any action against the petitioner till date, they will continue to maintain that position until the criminal proceedings are heard out.

(Moushumi Bhattacharya, J.)