

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC NO.4872 OF 2022

***Abdul Kasim Shaikh @ Sk.Abdul
Kasim***

....

Petitioner

Mr.S.K.Tripathy, Adv.

-versus-

State of Odisha & ors.

....

Opposite Parties

Mr.P.K.Parhi, ASGI
Mr.D.Gochhayat, CGC

CORAM:
JUSTICE BISWANATH RATH

ORDER
29.4.2022

Order No.

- 06.
1. Heard learned counsel for the Parties.
 2. Through the documents appended to the Writ Petition, it becomes clear that the Petitioner did not have a bona fide application. In usual recourse on a query by the Passport Authority, the Authority has come to ascertain that there has been pendency of a criminal case against the Petitioner may be under minor offence.
 3. Mr.P.K.Parhi, learned Assistant Solicitor General of India, therefore, contended that the Petitioner has submitted application in suppression facts, particularly involving if any criminal case is pending against the Petitioner, and in the circumstance, the Authority has no other option than to reject such application.

Referring to the documents, Mr.Parhi, learned Assistant Solicitor General of India attempted to justify the impugned action.

4. Mr.Tripathy, learned counsel for the Petitioner however did not deny to have submitted the PCC application format by the Petitioner for grant of VISA with particular information even not disclosing pendency of any criminal proceeding. Learned counsel for the Petitioner however submitted that the Petitioner since unable to understand the purport of such undertaking, he however admitted that there has been a case pending against the Petitioner involving offences under Sections 143, 341, 186, 506 & 149 I.P.C. read with Section 7 of Cr.L.A. Act, vide Patamundai P.S. Case No.362/2016 but however the Petitioner is on bail. It is also contended that the only non-bailable offence is Section 506 of I.P.C.

5. For the submissions made and clear availability of documents with improper disclosures with regard to pendency of criminal case against the Petitioner, this Court finds, there is no scope for interfering with the impugned order. This Court however observes, in the event the Petitioner makes a bona fide application giving clear disclosure on the criminal case position with necessary proof of bail, the Authority shall do well in considering the case of the Petitioner in the light of the direction of this Court in W.P.(C)

No.4834 of 2022 decided by this Court on 23.3.2022 but however with strict conditions.

6. With the above order, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout

