

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.16543 OF 2022

Annada Prasad Tripathy

....

Petitioner

Mr.G.Mishra, Adv.

-versus-

Regional Passport Officer, BBSR

....

Opposite Party(s)

Mr.P.K.Parhi, ASGI

Mr.B.K.Padhi, CGC

CORAM:

JUSTICE BISWANATH RATH

Order

No.

ORDER

2.8.2022

3.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves the following prayer :-

“Therefore, it is prayed that the writ petition may be admitted, the records may be called for and after hearing the parties the same may be allowed through appropriate writ(s);

By

Quashing the order under Annexure-2’

And

By directing the opposite party to renew the petitioner’s Passport forthwith;

And

Granting any other relief(s) as found fit and proper in the facts and circumstances of the case;”

3. Referring to the F.I.R. annexed here as Annexure-3, it has been established that the Petitioner is facing charges under several provisions including Sections 379/420 of IPC appearing to be non-bailable. The Petitioner since is under the protection of Section 41A of Cr.P.C. claiming there is no reason in obstructing renewal of passport, Mr.Parhi, learned ASGI in reference to paragraph-6 of the

counter affidavit brings to the notice of this Court that the Passport Office, vide its letter dated 2.6.2022 has not refused to issue passport rather for the adverse report of the Police, the Petitioner has been asked to file supporting document to the Passport Authority for their further consideration involving its renewal.

4. It is in the circumstance, this Court finds, in the event the Petitioner is already under protection of Section 41A of the Cr.P.C., nothing prevents the Petitioner to establish his case for having the protection from arrest and leave the matter for further consideration of the Passport Authority.

5. It is at this stage of the matter, learned counsel for the Petitioner submits that the Petitioner is ready to provide the supporting materials by way of affidavit at least within seven days.

6. In the event of submission of such affidavit by the Petitioner, this Court hopes and expects that the Passport Authority shall take a reasonable view in the matter of renewal of passport of the Petitioner keeping in view the Petitioner is facing a trial and not a convict by undertaking such exercise within seven days further.

7. With the above direction, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout