

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24061 of 2022

Monibur Raheman Khan ***Petitioner***
Mr. Md. G. Madani,
Advocate

-versus-

Union of India & Ors. ***Opposite Parties***
Mr. S.S. Kasyap,
CGC for O.Ps.1 & 2
Mr. U.K. Sahoo,
Addl. Standing Counsel for O.P.3

CORAM:
JUSTICE BISWANATH RATH

ORDER
22.09.2022

Order No.

01. 1. Heard Mr. Madani, learned counsel for Petitioner and Mr. Kasayap, learned Central Government Counsel for Opposite Party Nos.1 & 2.
2. This Writ Petition involves the following prayer:-

“Therefore, the petitioner prays that your lordships may graciously be pleased to consider the facts stated in the petition, admit the same and issue notice to the opposite parties, call for the records and after hearing the parties may kind enough to direct the opposite parties more particularly opposite party No-2, Regional Passport Officer, Bhubaneswar to grant Passport to the petitioner with regards to his application / file Number – BH53C5050196722 within a stipulated time fixed by this Hon’ble Court.

And pass any other writ / writs, order / orders, direction / directions as your lordships may deem just and proper.”

3. Petitioner challenges the communication at Annexure-2 whereby the Petitioner has been asked to clarify the doubts raised in the mind of the Regional Passport Officer, Bhubaneswar with clear indication therein that the Petitioner is already facing trial involving Town PS Case No.378-20 as per the Police report. From the pleadings made in the Writ Petition and reading the order at Annexure-4 learned counsel for the Petitioner is able to satisfy this Court that there only involves 354-B and 379 of non-bailable offences involving the Petitioner, but however, the Petitioner is already on bail in exercise of power U/s.41-A of the Cr.P.C. Learned counsel for the Petitioner makes a statement to this Court that the Petitioner has no other case. It is for the communication vide Annexure-2 and since the Petitioner has got a scope to clarify his position vis-à-vis the criminal case therein by meeting the Officer concerned, and an order can be passed by the competent authority on clearing of air, this Court finds, the Writ Petition is a premature one.

4. Considering that the Writ Petition involves an issue of grant of passport still pending with the Regional Passport Officer, Bhubaneswar awaiting the clarification from the Petitioner and for the prematurity of the Writ Petition, this Court disposes of this Writ Petition permitting the Petitioner to attend the Office of the Regional Passport Officer, Bhubaneswar on a working day next week along with the bail order, if any, and also with an affidavit that he is not involved in any other criminal proceeding and also with a copy of the judgment of this Court in W.P.(C) No.4834 of 2022. In the process the Regional Passport Officer, Bhubaneswar is also directed to enter into the clarification from the Petitioner on the

doubt raised in Annexure-2 and thereafter take decision on the issuing of passport in favour of the Petitioner keeping in view that the Petitioner is already on bail and keeping in view the observation of this Court through the judgment in W.P.(C) No.4834 of 2022.

5. The entire exercise shall be completed within a period of seven days from the date of communication of a copy of this order and the attendance of the Petitioner.

6. The Writ Petition stands disposed of with the above order.

(Biswanath Rath)
Judge

Ayaskanta Jena

