

CWP-10312-2022

Date of Decision: 16.05.2022

Gamdoor Singh Dhillon

....Petitioner

VS

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Vicky Sharma, Advocate for the petitioner

SUDHIR MITTAL, J. (Oral)

Application for re-issuance of passport of the petitioner is not being processed because his appeal against conviction is pending.

Learned counsel for the petitioner has relied upon judgment dated 27.09.2021 passed in *Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation, 2021(4) RCR(Criminal) 402* to submit that a constitutional Court has the power to direct issuance/re-issuance of a passport even in a case where an appeal against conviction is pending.

The argument is misconceived. The judgment in *Vengala Kasturi Rangacharyulu (supra)* has been passed in appeal pending in the Supreme Court. Further, it does not lay down any proposition that despite pendency of an appeal against conviction, the constitutional Courts would independently exercise jurisdiction in matters regarding issuance/re-issuance of passports.

Faced with this situation, learned counsel for the petitioner wishes to withdraw this petition with liberty to approach the concerned Court where his appeal is pending.

Dismissed as withdrawn with the aforementioned liberty.

16.05.2022

reena

(SUDHIR MITTAL)
JUDGE