



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on : 01.06.2023

%

Pronounced on : 02.08.2023

+ **CRL.M.C. 666/2023**

SANJAY JAIN

..... Petitioner

Through: Mr. Vijay Aggarwal, Mr. Mukul Malik, Mr. Pankush Goyal and Mr. Divyanshu Bhardwaj, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Anupam S Sharma, SPP for CBI with Mr. Prakarsh Airan, Ms. Harpreet Kalsi, Mr. Abhishek Batra and Mr. Ripudaman Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

RAJNISH BHATNAGAR, J.

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking directions for modification in the order dated 27.10.2022 passed by the Ld. CMM, Rouse Avenue District Court, New Delhi and further no objection for renewal of passport of the Petitioner for the period of 10 years.
2. Heard.
3. Records perused.
4. It was urged by the counsel for the petitioner that Ld. CMM vide impugned order dated 27.10.2022 granted the no objection for renewal of passport but only for one year on the ground that there



were multiple cases pending against the present petitioner. It was further urged by him that on the same date i.e., 27.10.2022 another application filed by the petitioner seeking permission to travel abroad was allowed, which itself shows that the petitioner is not a flight risk. It was further urged that if the petitioner will apply again and again after every passing year, this would cause administrative inconvenience. It was further urged that various courts including the Court of Sessions and Ld. CMM have granted no objection for renewal of passport for a period of 10 years to the petitioner (ref. ***ED vs Suryavinayak Industries Ltd. & Ors.*** CC No. 23/2017 order dated 24.11.2022; ***CBI vs M/s Suryavinayak Industries Ltd. & Ors.*** CC no. 21/2019 order dated 24.11.2022; ***ITO vs Sanjay Jain Ct.*** Case No. 5082/2017).

5. Counter arguments were advanced by SPP for CBI to the averments made by the petitioner. It was urged that the present petition is not maintainable either on law or on facts and further it was urged that Section 6(2)(f) of the Passports Act, 1967 provides that the authority shall refuse to issue passport for visiting any foreign country. It was further urged that notification dated 25.08.1993 issued by Ministry of External Affairs, Government of India clearly mentions that if the court specifies the period for which the passport has to be issued, the passport has to be issued for the said period and if no period is specified by the court, the passport shall be issued for a period of one year. It was further argued that petitioner is an accused of a white collar crime involving huge sum of money.

6. In ***Nimmagadda Prasad Vs Central Bureau of Investigation, (2013) 7 SCC 466***, the Hon'ble Supreme Court held that –



"Economic offences constitute a class apart and need to be visited with a different approach. The economic offence having deep-rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as a grave offence affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

7. In the instant case, for proper adjudication it is necessary to look into the office memorandum dated 10.10.2019 bearing no. VI/401/1/5/2019 issued by Ministry of External Affairs, Government of India. The relevant portion of the same reads as follows :-

2. GSR 570(E) dated 25.8.1993 is reproduced below for reference:

GSR 570(E)- In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. GSR 298(E) dated the 14 April 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (i) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued--

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year:

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year:

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity



of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

8. Considering the arguments advanced by both the sides; taking account of the office memorandum/ notification issued by Ministry of External Affairs, Government of India alongwith the relevant provisions of Passport Act; seriousness of the allegations against the petitioner, this court do not find any infirmity in the order dated 27.10.2022. Further, a perusal of the notification dated 25.08.1993 issued by Ministry of External Affairs, Government of India, reveals that in a case where the court specifies the period for which the passport has to be issued, then it is to be issued for such period only and if no such period is mentioned by the Court, the passport shall be issued for a period of one year only. Accordingly, the present petition stands dismissed and disposed of, maintaining the order dated 27.10.2022 passed by the Ld. CMM, Rouse Avenue District Court, New Delhi.

9. Pending applications, if any, are also disposed of accordingly.

RAJNISH BHATNAGAR, J

AUGUST 2, 2023

P