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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision:-5th April, 2023

+ **W.P.(C) 8030/2022**

VOOLA JOSHUA PAUL

..... Petitioner

Through: Mr Sameer Kumar with Mr. Shah
Rukh Ahmad & Mr Mandeep Baisala,
Advocates (M-8800384384)

versus

MINISTRY OF EXTERNAL AFFAIRS
& ORS.

..... Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh & Mr. Akash Mishra
Advocates.
Ms. Sweety Singh, Advocate for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner - Mr. Voola Joshua Paul has approached this court seeking re-issuance of his passport for a period of ten years from the date of issuance. The grievance of the Petitioner is that the Passport Office has been renewing the passport only for a period of one year, contrary to the Rules.
3. The Id. Counsel for the Petitioner submits that the Trial Court, having issued an order directing the Passport Authorities in terms of the Rules, the Passport is liable to be issued for a period of ten years in terms of Rule 12 of the Passport Rules, 1980.
4. Ms. Nidhi Raman, Id. CGSC appearing for the passport authorities submits that in terms of the previous settled legal position as also the recent orders passed by this court in **WP(C) 15664/2022** titled '**Kunal Minda v.**

Union of India & Anr.’ and other connected matters, if the Trial Court gives a specific order mentioning the period for which the passport is to be issued, the same shall be adhered to by the passport authorities.

5. Heard. Admittedly, an FIR was lodged against the Petitioner being **FIR No.0285/2020** dated 30th November, 2020, PS- IGI Airport. In connected proceedings emanating from the said FIR being **bail application no. 2974/2020** titled ‘**State v. Voola Joshua Paul**,’ the Petitioner has been released on bail. The Petitioner has thereafter applied for re-issuance of the passport.

6. In the criminal case arising of the FIR, charges have been framed and trial is underway. In **SC No. 236/2021** titled ‘**State v. Voola Joshua Paul**’ vide order dated, 24th September 2022, the ld. ASJ directed as under –

“This is the application for no objection of the court regarding re-issuance of passport in favour of the applicant/ accused.

Reply is received as filed by the IO through email and the copy of the same is given to the ld. Counsel for the accused/applicant.

Arguments heard and record perused.

The present case is pending for prosecution evidence and charge has been framed for the commission of offences punishable under Section 376/420 IPC. As per reply filed by the IO, he has no objection in the re-issuance of regular passport of the accused. Before addressing the arguments on the application, Ld. Counsel submits that he is not pressing his prayer clause (b) of the application.

Ld. Counsel for the applicant submits that during the arguments on the bail application, the prosecutrix gave her no objection on the release of the accused no bail as she did not want any proceeding against him. Furthermore, the matter is pending for prosecution

evidence and the trial will take long time and there is no condition to restrict the movement of the accused outside India in the bail order.

Considering the facts and circumstances and the report filed by the IO, this court has no objection in the re-issuance of the regular passport of the applicant/accused, if he is otherwise eligible as per law/rules.

Here it is clarified that the no objection given by the court shall not be considered as a direction for the issuance of the passport in favour of the accused and the concerned authorities will consider the application of the accused independently as per rules. Copy of the order be given dasti to the applicant/accused.

7. A perusal of the above order shows that the court has given no objection for renewal of passport but the same is to be considered independently as per the Rules. Accordingly, the Petitioner has been issued a passport for a period of one year by the Passport Authorities. The prayer in this writ petition is as under:

*“a. Issue a Writ in the nature of Mandamus or any other appropriate Writ or Direction to the Respondent No. 1 & 3 to Re-Issue the Petitioner’s Passport bearing No. V3769994 for a Period of 10 Years from the date of Issuance; and/or
b. Pass any other or further Orders as this Hon’ble Court may deem fit and proper ”*

8. The Court has considered the following orders which have been passed in similar matters by coordinate benches as also by this court:

- ***Prashant Bhushan v. Union of India & Anr. [W.P.(C) 1524/2015, decided on 7th January, 2016];***
- ***Narendra K. Ambwani v. Union of India [W.P.(C) 361/2014](Bombay High Court)***

- ***Deepak Jain v. Union of India* [2018 SCC OnLine Del 11767]; and**
- ***Kunal Minda v. Union of India & Anr.* [W.P.(C) 15664/2022].**

9. In ***Deepak Jain v. Union of India***, the clear view of a ld. Single Judge of this Court is set out below:

“10. It is apparent from the language of the notification dated 25.08.1993- which is not under challenge in these proceedings- that if no period for issue of the passport or approval is specified, the passport would be issued for a period of one year. Admittedly, the Passport Rules, 1980 provide that the period of validity of a passport shall be ten years. The reference to Rules by the Trial Court should in normal circumstances also mean the same as held by the Bombay High Court in Narendra K. Ambwani v. Union of India: Civil Writ Petition No. 361/2014, decided on 13.03.2014. However, the decision in Prashant Bhushan v. Union of India, 2016 (154) DRJ 385 (DB) is clear in this regard. Thus, it would be necessary for the applicant to seek orders for expressly indicating the period for which a passport can be issued. In view of the above, the present petition is disposed of by granting liberty to the petitioner to approach the concerned Court for necessary clarification. In the event, the Trial Court indicates that it has no objection for issuance of the passport for the full term as provided under the Passport Rules, 1980, the petitioner would be at liberty to make a fresh application for renewal of the passport and it would be processed, accordingly.”

10. In ***Kunal Minda (supra)***, after considering the judgment passed in ***Deepak Jain***, the Court observed as under:

“7. In the present case, it is noticed that the ld. MM’s order does not specify the period for which the passport is to be renewed. It merely states that the NOC is granted for renewal of the passport. In line with the above decision, the Petitioner is permitted to approach the concerned MM for

seeking clarification as to the period for which the passport can be renewed.

8. Upon the said order being passed by the ld. MM, the Petitioner is free to make a fresh application for renewal of the passport along with the copy of the ld. MM's order of clarification and any other relevant orders. The same shall be processed by the passport authorities in an expeditious manner."

11. A perusal of the above orders would show that the settled legal position is that the concerned Trial Court may have given a no objection, however, the period for which the passport can be renewed would also have to be specified by the concerned trial court, upon an application filed by the Petitioner.

12. The Petitioner is accordingly free to approach the concerned ASJ for clarification and for seeking relevant orders for the renewal of the passport for a longer period. Upon the said order being passed and being submitted to the passport authorities, the authorities shall proceed with the issuance of the passport in terms of the order that may be passed by the ASJ.

13. It is made clear that if no period is specified by the concerned ASJ, the passport shall be issued for a period of one year.

14. The petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

APRIL 5, 2023
Rahul/RP