

AD-42
Ct No.09
09.05.2024
TN

WPA No. 25471 of 2023

Gopal Debnath
Vs.
Union of India and others

Mr. Suranjan Mandal,
Mr. Amit Kumar Roy

.... for the petitioner

Mr. Ashoke Kumar Chakraborty, Ld. ASGI,
Mr. Kumar Jyoti Tewari,
Mr. Tirtha Pati Acharyya

.... for the UOI

- 1.** Learned counsel for the petitioner submits that the petitioner is undergoing criminal trial. During pendency of the trial, the petitioner applied for renewal of his passport. The concerned jurisdictional criminal court, in its order on the application of the petitioner for permission to travel abroad, granted such permission without specifying the time for which the petitioner is so permitted.
- 2.** The respondent-authorities accordingly renewed the passport for only one year.
- 3.** The petitioner is aggrieved because the petitioner is required to stay in Qatar for more than that period.
- 4.** Learned ASGI appearing for the respondent-authorities places reliance on Notification No. GSR No. 570(E) dated August 25, 1993, in terms of Clause (a) (ii) of which, if no period is specified by the jurisdictional criminal court for the issue of passport but permission is granted to the

petitioner to travel abroad, the passport shall be issued for a period of one year.

- 5.** Upon hearing learned counsel for the parties, it is evident that the concerned Notification has been issued under Section 22 of the Passports Act, 1967 and operates as an exception to Section 6 (2) (f) of the said Act which otherwise puts a blanket bar to persons in respect of whom criminal cases are pending from leaving the country.
- 6.** Hence, I do not find any irregularity or illegality in the action of the respondent-authorities in renewing the passport only for a year in terms of Clause (a) (ii) of the concerned Notification.
- 7.** Thus, WPA No. 25471 of 2023 is dismissed without any order as to costs.
- 8.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)