

02
19.02.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 237 of 2025

**Supratik Mazumder
-versus-
Union of India & Anr.**

**Mr. Mukteswar Maity,
Ms. Manika Sarkar.
...For the Petitioner.**

**Mr. Kumar Jyoti Tewari, Sr. Adv.
Ms. Amrita Pandey.
...For the Respondents.**

1. Affidavit-of-service and the supplementary affidavit filed in Court today are taken on record.

2. The petitioner has been directed to show cause as to why his passport should not be impounded/revoked under Section 10(3)(e) of the Passports Act, 1967 as adverse police report has been received against him with the observation that criminal proceeding is pending in a Court in India against his name.

3. Learned advocate appearing on behalf of the petitioner admits that though the proceeding under Sections 498A/406/34 IPC is pending against him before the Learned Chief Judicial Magistrate, Barasat, North 24 parganas but the said proceeding has been stayed in terms of the order dated 26th September, 2024 passed by this Court in CRR 3405 of 2024.

4. The petitioner relies upon an appointment letter and submits that he has been offered appointment in Germany and he intends to travel abroad for service purpose.

5. He made an application before the Learned Trial Court praying for issuing direction upon the passport authority to issue permission in his favour to travel abroad. Vide order dated 27th January, 2025 passed in GR NO. 2194 of 2024, the learned Trial Court was pleased to direct the petitioner to approach the appropriate authority.

6. Prayer has been made by the learned advocate appearing on behalf of the petitioner to direct the passport authority to permit him to travel abroad and to restrain them from taking any steps for impounding his passport.

7. Learned advocate appearing on behalf of the passport authority relies upon the notification of the Ministry of External Affairs being GSR No.570(E) dated 25th August, 1993 which mentions that citizens of India against whom proceedings is pending before a criminal Court in India may be permitted to depart subject to the conditions as mentioned in the said notification.

8. The citizen shall give an undertaking in writing to the passport authority that he shall, if required by the Court concerned, appear before it at any time during the continuance in force of the passport so issued.

9. The passport of the petitioner is valid till the month of August 2034.

10. As the passport authority will be bound by the notification No. GSR 570(E), it will be open for the petitioner to take steps in terms of the said notification and submit the undertaking as mentioned therein.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)