

D/L 14
22.07.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4918 of 2025

Jawed Anwar
Vs.
The Union of India & Ors.

Mr. Achin Jana
Mr. Prosenjit Ghosh
Mr. Bhaskar Dalui
Ms. Jaysri Dhar
Ms. Chetna Rustagi

...for the Petitioner.

Mr. Asok Kumar Chakraborti, Ld. ASG
Mr. Kumar Jyoti Tewari, Sr. Adv.
Mr. Arijit Majumdar

...for the Union of India.

1. Affidavit of service filed in Court today is taken on record.
2. Report filed by the Deputy Passport Officer, Regional Passport Office, Kolkata signed on 17th April, 2025 is also taken on record.
3. The petitioner's application for issuance of passport is alleged to be kept pending.
4. The petitioner is implicated in a criminal case under Sections 302/120B/34 of the Indian Penal Code and Sections 25 & 27 of the Arms Act. The case is at the stage of trial.
5. The petitioner approached the learned Trial Court and obtained order on 18th January, 2023 wherein the Court opined that if the passport authority grants/issues the passport in favour of the petitioner, the petitioner shall file a copy of the first and last page of the passport along with a bond of Rs. 2,00,000/- either by his father or any

of his blood relatives on condition that the petitioner shall be present physically on the returnable date.

6. It has been submitted that despite the learned Trial Court opining that the petitioner may be issued a passport, the authority is not acting in accordance with the same.
7. Prayer has been made to direct the Regional Passport Officer to issue the passport in favour of the petitioner as he intends to visit Mecca to perform Hajj.
8. Learned ASG has opposed the prayer of the petitioner.
9. It has been submitted that there is an adverse police report against him. The petitioner, in the passport application, did not disclose the pendency of the criminal case against him. There has been suppression of material information with a view to obtain the passport. The same is an offence under Section 12(1) (b) of the Passports Act, 1967. The passport application of the petitioner has been closed in view of the adverse police report.
10. The notification no. GSR 570(E) dated 25th August, 1993 lays down the manner in which an applicant may seek permission to go abroad in case there is a criminal case pending against the applicant. Specific order is required to be obtained from the learned Trial Court permitting the applicant to depart from the country/travel abroad.
11. In the documents that have been placed before this Court, there is no indication that the petitioner has been permitted to go abroad.
12. From documents annexed to the writ petition, it appears that the principal accused in the subject

criminal case is absconding. The respondents apprehend that the issuance of passport in favour of the petitioner may also be misused and the applicant may abscond for which the criminal trial may remain inconclusive.

13. Be that as it may, as there is a requirement under the notification to obtain specific order from the learned Trial Court, it will be open for the petitioner to take steps in accordance with the said notification.

14. The writ petition stands disposed of.

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

(Amrita Sinha, J.)