

**Form No. J(2)**

**IN THE HIGH COURT AT CALCUTTA**  
**CRIMINAL REVISIONAL JURISDICTION**

Present:

**The Hon'ble Justice Jay Sengupta**

**C.R.R. 3058 of 2025**  
CRAN 1 of 2025

**Manas Kumar Datta**

**-vs-**

**The State of West Bengal & others.**

For the Petitioner : Mr. Sabyasachi Banerjee, Sr. Adv.  
: Ms. Minal Palana

For the Union of India : Mr. Kumar Jyoti Tewari  
: Mr. A. Sinha

For The State : Mr. Debashis Roy, Ld. PP  
: Mr. Anand Kesari  
: Mr. Asraf Mondal

Heard on : 10.09.2025

Judgment on : 10.09.2025

**Jay Sengupta, J.:**

This is an application challenging an Order No. 34 dated 06.01.2025 passed by the learned Additional Sessions Judge, 2<sup>nd</sup> Fast Track Court, Calcutta in connection with Criminal Revision No. 163 of 2019.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in a case. He wanted to go abroad. As a revisional application was pending before the learned Additional Sessions Judge against an order recording plea by the learned trial Court, the petitioner moved an application praying for 'No Objection' to the issuance and/or renewal of Passport before the revisional Court. The same was turned down by an order dated 06.01.2025. In view of notification dated 25.08.1993 of the Ministry of External Affairs vide G.S.R. 570 (E), a passport could be issued to a citizen facing a criminal case, among other things, if the accused is able to produce an order from the Criminal Court permitting him to depart from India. This notification was issued in exercise of Section 22 of the Passport Act, 1967. In spite of this, the learned revisional Court did not pass an appropriate order in terms of such provision.

Learned senior counsel appearing on behalf of the Union of India submits that such application has to be made before the Trial Court. Moreover, it does not appear that the provisions of law related

to the issue were placed before the revisional Court.

Learned counsel appearing on behalf of the State opposes the prayer and submits that the revisional application is not maintainable.

It appears that a provision is there in the Notification issued in pursuance of Section 22 of the Passports Act granting an exemption to an accused in a criminal case to obtain a passport or have it renewed, among other things, if he is able to bring an order from the Criminal Court giving 'No Objection' to his going abroad.

However, the Criminal Court as mentioned in the notification would obviously imply the Court where the criminal case is pending. It is true that a revision is pending. But, the main matter is pending at the stage of trial before the learned Magistrate.

In view of the above, the impugned order is set aside and the petitioner is granted liberty to make an appropriate prayer before the Trial Court.

For such purpose, the learned revisional Court shall send down the Trial Court records to the Trial Court at the earliest.

The learned Magistrate shall decide the application in accordance with law and as expeditiously as possible by taking into consideration, among other things, the above referred notification.

With these observations and directions, the revisional application and CRAN 1 of 2025 are disposed of.

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

**(Jay Sengupta, J.)**

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