

8.12.2025

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SB

CRR 3214 of 2024

Azhar Salim

Vs.

The State of West Bengal

Mr. Kaushik Gupta, Sr. Adv.

Mr. Anirban Tarafdar

Mr. Daniel Sarkar

Mr. Sohel Tudu

...for the Petitioner

Mr. Debasish Roy, Ld. PP

Mr. Saryati Dutta

Ms. Eshita Datta

...for the State

This is an application wherein the petitioner has challenged the order dated 27.6.2024 passed by the learned Chief Judge, City Sessions Court, Calcutta in Sessions Case no. 76 of 2023. By the impugned order, the learned court below refused to grant no objection certificate in favour of the accused person/petitioner to enable him to renew his passport.

Being aggrieved by the said order, learned counsel for the petitioner submits that while passing the impugned order, the court below failed to appreciate that the fundamental principle of criminal jurisprudence is that every accused person shall be presumed to be innocent unless his guilty has been proved. The court below further failed to consider that refusal of renewal of passport can only be in a case where an accused is convicted for any offence involving moral turpitude and sentenced in respect thereof. Court below did not also take into consideration the concerned notifications issued by the

Ministry of External Affairs dated 25.8.1993 and 10.10.2019 which give relief to those accused of whom criminal cases are pending before a Court of law. The court below also did not consider that the petitioner had passport since 1996 which he renewed further in 2012 and it was on account of expiry of his passport due to the efflux of time, the petitioner herein had applied for renewal of his passport. Therefore, the impugned order was passed mechanically, which is bad in law and for which, the impugned order is liable to be set aside.

Learned counsel for the State placed a report issued by the Officer-in-charge, Special Branch, Kolkata Police that during the period when the petitioner was on bail, he has been found to have involved with another Ekbalpore Police Station case no. 68 dated 25.2.2022 and therefore if the passport authority renewed his existing passport, the petitioner might obtain VISA for a foreign country and there is every chance that he will flee from justice and thereby the process of trial will be hampered.

Having heard learned counsel for petitioner and the State, it appears to me that a citizen cannot be deprived of obtaining passport or renewal of passport merely because criminal proceedings are pending against him or on the ground that if the passport is issued or renewed, his chance of evading trial cannot be ruled out. Of course, in appropriate cases Court can restrict his movement in the interest of trial but without any cogent reason, he cannot prevent him from renewing his passport.

Therefore instant application being CRR 3214 of 2024 is hereby disposed of with a direction upon the court below to grant necessary permission, so that the petitioner can only renew his existing passport if any. If the petitioner wants to travel abroad after such renewal he will make separate prayer before the court below and in such event, the court below will decide his prayer in accordance with facts and circumstances of the case, without being influenced by any observations made herein.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)