

11.11.2025

Sl. No.10.

D/L.

Mithun.

Ct.No.29.

CRR/4627/2025

Brindaban Sarkar

Vs.

State of West Bengal & Anr.

Mr. Tarunjyoti Tewari,
Mr. Bikramjit Dutta,
Ms. Kausiki Bose,
Mr. Dipankar Bhakta

...for the petitioner

This is an application wherein petitioner has challenged the order dated 18th September, 2025 whereby the Court below refused the petitioner's application dated 17.09.2025 by which the petitioner/accused prayed for giving him permission in the form of NOC for obtaining passport from the concerned authority.

Being aggrieved by the said order, the petitioner preferred the instant application contending that learned Court below has failed to apply his judicial mind as also failed to appreciate that the petitioner is a respected businessman and he is required to travel to Hongkong and Macau for urgent business meeting and for receiving award in recognition of his stock trading business. Denial to give permission on the basis of a case which has arisen due to political rivalry and is bailable in nature, is unheard of and rejection of such prayer amounts to violation of his fundamental right guaranteed under Article 21 of the Constitution of India. The Court below had passed the order without appreciating the gravity of the petitioner's business commitment at abroad.

Petitioner further submits that mere pendency of a criminal case cannot be the sole ground for refusing to issue a no objection certificate

for a passport. In this context, he relied upon judgment of the Apex Court in ***Indrajit Mukherjee Vs. State, 2010 Supreme (Cal), 633*** and another judgment of the Apex Court in ***Amarnath Vs. State of Himachal Pradesh*** reported in ***2025 Supreme (HP) 776***

Having heard learned Counsel appearing on behalf of the petitioner, it appears that when the charge sheet was filed, the petitioner was shown as absconder. However, the petitioner thereafter obtained bail from the Court below and learned Court below while rejected the petitioner's prayer held that on perusal of the order-sheet it appears that the case is lingering for the reason that accused persons are not coming on the date fixed and till date charge hearing could not be made. Therefore, the Court below came to the conclusion that if the accused is given permission to go outside the Country, then it will affect the hearing of the case and may also cause prejudice to the other accused person and any liberty given at this point of time may be misused by the present accused person.

Having heard learned Counsel appearing for the petitioner, the service of copy of this application upon the State is dispensed with. It appears from the impugned order that the Court has recorded its dissatisfaction that on various dates due to absence of the accused persons, the charge hearing could not be made and for which he was not inclined to give such permission.

In such circumstances, the present application being CRR 4627 of 2025 is hereby disposed of by giving direction upon the Court below to make charge hearing positively within a period of 30 days from this date in respect of the accused persons. He is further directed to reconsider petitioner's prayer without being influenced by observation made herein after conclusion of the charge hearing.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)