

27.02.2026
Court No.25
D/L No.25
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 28665 of 2025

**Mihir Kanti Roy
Versus
Union of India & Ors.**

Ms. Shraboni Sarkar
Ms. Umme Habiba Khatun

...for the Petitioner

Mr. Ashok Kumar Chakraborty, Ld. ASGI
Ms. Sarda Sha

...for the Union of India

1. Affidavit of service filed by the petitioner is taken on record.
2. The petitioner has filed the present writ application praying for a direction upon the respondent authorities particularly, the respondent No.3 for renewal of the passport of the petitioner.
3. Learned counsel for the petitioner submits that the petitioner is a citizen of India but he is working in Russia and he was having the valid passport till 18th November, 2025 and accordingly the petitioner has applied for renewal of the passport. On receipt of the application, the authorities have rejected the application for renewal of the passport of the petitioner on ground that criminal case is pending against the petitioner as per the verification report received by the passport authority. Learned counsel for the petitioner

submits that the brother of the petitioner has lodged a false case against the petitioner and the case is pending before the learned ACJM, Bongaon for the alleged offence under Sections 457/448/379/511 of the Indian Penal Code.

4. Learned ASGI appearing for the passport authorities submits that as the petitioner is having the criminal case, pending before the competent Court, the passport authorities have rightly rejected the application for renewal the passport of the petitioner.
5. Heard the learned counsel for the respective parties and perused the materials on record. This Court finds that after initiation of FIR, police has completed the investigation and chargesheet has been filed. The case is pending before the learned ACJM, Bongaon.
6. Accordingly, the writ petition is disposed of with the liberty to the petitioner to apply before the learned Trial Court for permission go to abroad during pendency of the criminal case. If the petitioner files any application before the learned Trial Court, the learned Court is directed to consider the prayer of the petitioner for grant of permission go to abroad in accordance with the GSR 570(E) dated 25th August, 1993 and the Office Memorandum dated 10th October, 2019.

7. It is made clear that though this Court has not gone into merit of the case, the learned Magistrate is free to take decision in accordance with law.
8. It is further made clear that if the learned Magistrate grants the permission to the petitioner to go to abroad, the petitioner shall apply before the passport authorities for renewal/grant of passport after producing the said order before the passport authorities.
9. WPA 28665 of 2025 is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)