

**CBI Vs. Abhishek Tiwari & Ors.**  
**FIR No. RC 218/2021/A/0005/CBI/AC-III/ND**  
**CC No. 66/2021**  
**CNR No. DLCT 11-000488-2021**

**07.10.2023**

**This is an application filed on behalf of A-2/accused Anand Daga seeking no objection for renewal of passport for a period of 10 years.**

Present : Sh. V. K. Pathak, Ld. Senior PP for CBI.

Shri Kartik Venu, Ld. counsel for A-2/accused Anand Daga.

1 By way of present application, the applicant/accused No. 2 Anand Daga seeks appropriate directions / no objection for renewal of his passport bearing No. L7960522 which is going to expire on 18.03.2024 for a period of 10 years.

2 It is stated by Ld. counsel for the applicant that in terms of Notification No. G.S.R. 570(E) dated 25.08.1993 issued by the Ministry of External Affairs, the passport is renewed only for a period specified by the Court in the order.

3 Reply to the application has been filed on behalf of the CBI whereby Ld. Sr. PP objects to the allowing of the application and in his submissions also refers to GSR 570 (E) dated 25.08.1993 which mandates re-issue/renewal of passport for a period of one year only.

4 I have given my thoughtful consideration to the rival submissions and have perused the record carefully. Perusal of record reveals that applicant/accused Anand Daga was admitted to bail vide order dated 31.01.2022 subject to condition that he shall not leave the country without permission of the court.

5 The Office Memorandum No. VI/401/1/5/2019 dated 10.10.2019 of the Ministry of External Affairs, PSP Division, Govt. of

India provides instructions to the Passport Issuing Authority in respect of processing the passport applications in respect of those applicants who may have criminal proceedings pending before a Criminal Court in India. These instructions are to be found in Para 5 of the given Memorandum and first of such instruction is of strictly applying the provisions of GSR 570 (E) dated 25.08.1993 in all cases.

As per GSR 570(E), the passport to be issued to an applicant against whom criminal case proceedings are pending before a Court of Law in India, is to be for a period specified in the order of the given Court, if the Court specifies a period for which the passport has to be issued. It is only when no period either for the issue of passport or for the travel abroad is specified in such order, that the passport issuing authority is to issue the passport for a period of one year only. Rule 12 of the Passport Rules, 1980 which is quoted in the first instruction in Para 5 of Office Memorandum, states that an ordinary passport shall be in force for a period of 10 years. One of the other instruction as at sub para (ix) of Para 5 of the Office Memorandum is of the applicant to obtain NOC from all the concerned Courts where criminal proceedings against such an applicant are pending.

In view of the aforesaid facts and circumstances, the application is allowed and this court has no objection to the renewal of passport of the accused No.2/applicant Anand Daga for a period of 10 years subject to the accused / applicant fulfilling other rules and regulations of the passport issuing authority.

Copy of this order be given dasti to the applicant/accused or his counsel and to the CBI, as prayed.

Put up on date already fixed i.e.14.10.2023.

(Rakesh Kumar-III)  
Special Judge (PC Act)(CBI)-02  
Rouse Avenue District Court  
**New Delhi/07.10.2023**