

CNR No. MHPU010133642017



CBI

Vs.

Lt. Gen. Rtd. Jatinder and others.

**Order below Exh.333**  
**(Dated– 16<sup>th</sup> November, 2024)**

This is an application filed by applicant/accused No. 6 Ramesh Wazirchand Kapoor for return of his passport bearing No. K5471776 seized by CBI in connection with FIR No. RCPUNE/2014/A0004 for the offences punishable under sections 120B, 420 of the Indian Penal Code and Section 11, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988.

2. Read the application and Say given by CBI through Ld. Spl. P.P at Exh.339. Heard Ld. Advocate for applicant/accused and Ld. Spl. P.P for CBI.

3. It is contention of the applicant/accused that he is senior citizen and resident of given address. He is having immovable property in his own name and residing with his family thereat. It is contended that during investigation, the Investigating Officer of CBI had seized his passport bearing No.K5471776 vide seizure memo dated 11/04/2014. It is further contended that the applicant/accused had filed discharge application in the present matter, but the same was rejected, therefore, he approached to Hon'ble High Court by filing Criminal Revision Application. It is contended that the Hon'ble High Court currently stayed the present proceeding. It is contended that the validity of passport of applicant/accused is expired, therefore, he wants to renew the same, therefore, he requires his passport. It is also contended that

the police has no power to seize passport under section 102(1) of Cr.P.C. The passport can only be impounded by passport authority as per provisions under section 10(3) of the Passport Act. It is further contended that the power under section 104 of Cr.P.C. cannot be invoked to impound passport as per provision of Passport Act. It is further contended that as the Hon'ble High Court has stayed the present proceeding, so it will take its own time for conclusion. In such situation, there is no impediment to return passport to applicant/accused for its renewal.

4. *Per contra*, CBI and Ld. Spl. PP submitted that if the passport of the applicant/accused is returned only for limited purpose of renewal, then the same can be returned to accused, but with direction to surrender the same to CBI. It is contended by Ld. Spl. PP that if the passport is handed over to applicant/accused, then he may permanently leave the country and thereby the trial will be hampered.

5. On perusal of record, it appears that the present matter has been stayed by Hon'ble High Court. The document filed by applicant/accused shows that the passport was issued to applicant/accused in the year 2012 and the same was valid till 24.09.2022. It appears that the validity of passport of applicant/accused bearing No.K5471776 is expired. In such situation, the renewal of the same is necessary. The travel of applicant/accused can be restricted by putting condition that he will not leave India without prior permission of this Court for safeguarding the apprehension of the CBI. The application has been supported by the affidavit. Therefore, considering the fact that the validity of passport of applicant/accused is expired, the same is required to be handed over to applicant/accused for its renewal and I

do not see any impediment for the same, in view of the settled law. Hence, I proceed to pass following order:-

- i) Application (**Exh.333**) is hereby allowed.
- ii) C.B.I. is directed to handover passport bearing No.**K5471776** seized in crime FIR No. **RCPUNE/2014/A0004** registered with CBI, Pune to applicant/accused **Ramesh Wazirchand Kapoor** for its renewal.
- iii) The applicant/accused shall not leave India without prior permission of this Court.
- iv) Inform to CBI, Pune accordingly.

Date-16/11/2024.

(R.R.Mendhe)  
Special Judge, (CBI-ACB)  
Pune.

**Certificate**

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno.	:-	I. E. Deshmukh, Grade-I
Court Name	:-	R.R.Mendhe Special Judge CBI-ACB, Pune
Date	:-	16.11.2024.
order signed by P.O. on	:-	18.11.2024.
order uploaded on	:-	18.11.2024.