

Order dated. 20.06.2019.

The case record is put up today on prayer made by accused Divya Lal. She has filed a separate petition seeking permission to apply for passport so that she may travel to Singapore to meet her husband.

Heard the Ld. Advocate for the accused/petitioner Divya Lal and the Ld. Assistant Public Prosecutor.

Perused the record. Considered.

The present prosecution case appears to be one U/S 409/420/468/469/471/120B/498A of the I.P.C. The investigation of the case has ended in charge sheet submitted against accused Divya Lal and Debasish Mukhapadhyay. In the meantime, the present accused Divya Lal has filed an application seeking discharge from this case u/s 239 of the Cr.P.C which is pending for hearing.

The Ld. Advocate appearing for the accused/petitioner has relied on a decision of the Hon'ble Delhi High Court in Rajiv Chaturvedi Vrs. Union of India & Others in W.P(C) 12136/2018 and the Notification No. G.S.R 570(E) dated 25-08-1993 of the Ministry of External Affairs and submitted that there is no legal embargo to allow the accused/petitioner to apply for passport which, if issued, shall be for a limited period as prescribed in the notification of the Ministry of External Affairs.

The Ld. Assistant Public Prosecutor does not raise any specific objection to the prayer made by the accused/petitioner.

I have perused the authority cited and the notification of the Ministry of External Affairs on which the Ld. Advocate for the accused/petitioner has placed reliance. The accused/petitioner Divya Lal is enjoying the liberty of bail and she has undertaken to attend the court as and when so directed. In the backdrop of the facts and circumstances of the case, relying on the authority cited and the notification of the Ministry of External Affairs, I find no legal impediment to allow the prayer of the accused/petitioner.

Hence, the accused/petitioner Divya Lal is permitted to apply for passport to travel to Singapore and such passport may be issued in her favour for a period of one year within which she will travel to Singapore seeking prior permission of this court. She shall submit her undertaking before the passport issuing authority in terms of Ministry of External Affairs CPV

Division No.V.I/401/1/3/2014 dated 21-08-2014 and shall attend the court on each date to face the trial.

The petition filed by the accused/petitioner Divya Lal is thus disposed of.

To-date.

D/C by me.

C.J.M. Paschim Bardhaman.

Chief Judicial Magistrate,
Paschim Bardhaman.