

Spl Case No. 04/16  
Reg No.02/22  
CNR No. WBCS01 000002-2022

Order No.262

Order dated 01.04.26

Today is fixed for appearance, death verification report and hearing the petition dated 12.03.24.

A2 Mihir Sen Barman, A5 Jaspal Singh Chandok are present by filing hazira.

A1 A.M Sahay, A4 Prateek Bhalotia, A6 Sandeep Singh Chaddha, A7 Piyush Mahasukhlal Seth, A8 Uday Bhan Pandey are absent by petition u/s 317 CrPC.

Ld. PP for CBI is present and files a petition praying for time for filing IO/HIO's report regarding the death verification report of A3 Rabindra Kumar Bhalotia and also prays for time for hearing and reply regarding the application of A1 for the supply of copies.

Heard. Considered. Prayer is allowed.

The petition filed by the A2 Mihir Sen Barman on 05.07.25 contending that the passport authority has refused to renew the passport in spite of the order of the court is taken up for hearing.

Heard the ld. Advocate for A2 Mihir Sen Barman and the annexed documents thereon.

The reason assigned by the Regional Passport Office, Kolkata is against the spirit of the principle laid down by Hon'ble Supreme Court in Mohesh Kumar Agarwal Vs. Union of India in SLP (civil) no.17769 of 2025.

Furthermore, whenever this court passed an order for renewal of the passport of A2 Mihir Sen Barman, it is the duty of the Regional Passport Authority to renew the same as per order of this court. In no circumstances, the Regional Passport Authority has got the power to override the same. For any reason whatsoever, in case, any order passed by this court appears to be unjustified to the Regional Passport Authority, they could have challenged the same before appropriate authority but they cannot impose any tacit condition upon the court by issuing any fresh order. All the acts tantamount to contempt of court and Regional Passport Authority is liable to be prosecuted for the same.

Contd..

But before taking such step against the Passport Authority, I am inclined to give them an opportunity of being heard and for that reason Director, Regional Passport Authority, Kolkata having its office, 4 Brabourne Road, 1<sup>st</sup> Floor, Kolkata-01 is directed to appear personally before this court on 07.05.26 and to explain why contempt of court proceeding shall not be started against him due to refusal of renewal of Passport of A2 Mihir Sen Barman.

Let a copy of this order be sent to the Director, Regional Passport Authority, Kolkata through CBI.

To-date.

Accused persons must be present on the next date.

Sd/-  
Judge, 3<sup>rd</sup> Special  
(CBI Designated) Court,  
Bankshall Court, Calcutta