

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

Order No.267

Order dated 08.05.26

Today is fixed for filing reply and hearing.

A2 Mihir Sen Barman is present by filing hazira.

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 Id. 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.

But before taking such step against the Passport Authority, I am inclined to give them an opportunity of being heard and for that reason **Regional Passport Authority, Kolkata having its office, 4 Brabourne Road, 1st Floor, Kolkata-01 is further directed to appear personally before this court on 22.06.26 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.**

CBI is directed to serve the copy of this order to Regional Passport Authority, Kolkata having its office, 4 Brabourne Road, 1st Floor, Kolkata-01.

Let a copy of this order be sent to HIO through SP, CBI,ACB, Kolkata for compliance and report.

Petition filed on behalf of accused Jaspal Singh Chandok (A5) is taken up for hearing. Accused Jaspal Singh Chandok (A5) is absent by petition u/s 317 CrPC. Ld advocate for the accused person is present. Ld. PP for CBI is present. No reply petition has been submitted by Ld. PP for CBI. Ld. PP for CBI, however, vehemently raised objection and submits that this accused person filed the petition for permission to leave the country only few days ago and also has prayed before the court that the petitioner files petition for permission to leave the country about 10 days ago. It is further submitted that this is a case under the provision of Prevention of Corruption Act and the accused person is named in FIR and in case, his frequent visit is allowed by this court, he will set up parallel residence in foreign country and may not return.

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It is further submitted that the petitioner has intended to visit some countries with whom, there is no extradition treaty and it will be difficult for the investigating agency to bring back him. Accordingly, Ld.PP for CBI prayed for rejection of the petition filed by the accused Jaspal Singh Chandok (A5).

Heard both sides.

Petitioner/accused is directed to file petition for permission to leave the country about 10 days ago.

It appears from the instant application that the petitioner intends to visit Dubai, Kula Lumpur & Kurkey Istanbul from 10.05.26 to 31.05.26 and Dubai, Germany & Vietnam from 09.06.26 to 30.06.26 and Dubai and Mexico from 08.07.26 to 31.07.26 for the business purpose.

From the case record, it appears that the accused left India several occasions with the permission of the court and returned from foreign countries on the date fixed and conduct of the accused nullifies the apprehension of Ld. PP for CBI.

So this accused person may be permitted to visit Dubai, Kula Lumpur & Kurkey Istanbul from 10.05.26 to 31.05.26 and Dubai, Germany & Vietnam from 09.06.26 to 30.06.26 and Dubai and Mexico from 08.07.26 to 31.07.26 for the business purpose. The accused person namely Jaspal Singh Chandok (A5) is permitted to visit the aforesaid countries **on submitting bond of Rs.10 Lacs with condition that he shall remain present on 03.08.26, that he shall furnish roaming mobile number and details of the visit to different places to the IO. The accused shall affirm an affidavit to that effect before this court.**

The accused person must remain present on 03.08.26 failing which this accused person shall be dealt with for non-compliance of the order in accordance with law.

Let a copy of this order be supplied to the Ld. PP of CBI for information.

Petition dated 07.05.26 for foreign visit filed by accused Jaspal Singh Chandok (A5) is allowed on contest with the observation made above.

To-date i.e. 18.08.26 for 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.

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