

Sessions Case No.68 of 2015
Filling No.-876/2015
S.T No.- 04 (12) 2015
CNR No.- WBCS01-000833-2015

Order No.62
Dated 02.01.2025

Record is taken up for hearing petition dated 17.12.2024 filed on behalf of the accused Upendra Kumar Singh

Heard the Ld. Advocate for the accused as well as the Ld. P.P. on the petition.

It is stated that the Regional Passport Authority had blocked the issuance of a new passport in favour of the accused since during verification by the concerned authority it was found that the instant criminal case is pending against the applicant/accused. It is further stated that no condition had been imposed by the Court upon the accused restraining his movements outside the territory of India. That the accused is on Court bail since long. In this connection the Ld. Advocate for the accused relied upon a decision reported in **1998 SCC Online Calcutta 181** where the Hon'ble Court observed that pendency of a criminal case should not be a ground for automatic refusal of the passport.

The Ld. P.P. has raised strong objection against the prayer directing the Passport Authority to issue a new passport to the accused. It is submitted that the intention of the accused is to flee the country and if passport is issued in his favour, it would be difficult to secure his attendance before the Court.

The accused has enclosed his passport application form and other relevant documents with the petition, where he stated that he intends to get a new passport for various reasons such as family vacation, pilgrimage, business etc. However, there is no speaking order of the Passport Authority enclosed with the instant petition wherefrom it can be ascertained that passport was refused due to pendency of the criminal case against the accused. In the decision, referred by the accused, it was observed that the decision has to be taken by the Passport Authority, uninfluenced by any extraneous recommendations of any outside agency, but on objective consideration, on the basis of material available to him and by due application of mind. In this regard, the Passport Authority must also afford an effective and purposeful hearing to the applicant if it proposes to refuse the issuance of passport. In the instant case it appears that no hearing opportunity was given to the accused and no speaking order was passed refusing his application.

In the circumstances, I find it appropriate to dispose of the instant petition with a direction upon the Passport Authority to decide the passport application of the accused afresh in the light of the observations made hereinabove and if the accused is found not entitled to the grant of a passport, a hearing opportunity may be given to him and a detailed speaking order be passed.

To date (27.03.2025)

Accused shall be at liberty to apply for certified copy of this order and communicate the same to the Passport Authority.

Dictated & corrected by me.

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868

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