

**CNS-124919 of 2016**

**Order date: 11.09.2018**

The record is fixed today for hearing the petition preferred by accused Amit Kumar Roy on 06.08.2018.

All the accused persons including accused Amit Kumar Roy are present with their Ld. Lawyer.

Complainant is absent and files a petition praying for condonation of absence on the ground stated therein. The condonation petition is heard, considered and allowed in the interest of justice.

It appears from the scrutiny of the record that the hearing is of the petition for issuance of N.O.C. in respect of the accused no.-2 for issuance of Passport. As such, the petition is taken up for hearing.

Heard all concern. Perused the petition as well as materials on record. Considered.

It appears from the scrutiny of the petition that accused no.-2 Amit Kumar Roy has applied for issuance of Passport by the Government of India vide application no:- CA2061342667518. On his prayer, the appropriate authority informed him that his Passport cannot be issued until and unless he files N.O.C. from the Court wherein criminal proceedings are pending against him. Hence, this petition.

During the course of hearing, Ld. Lawyer appearing for the accused petitioner prayed for issuance of such N.O.C on any terms and condition. Ld. Lawyer appearing for the complainant on the other hand, left it to the better judgment of the Court with a rider that this identification is necessary in a case of present nature. Having perused the petition along with all Annexures, I find that the Ministry of External Affairs by Notification, dt. 25<sup>th</sup> August, 1993, has made it mandatory for persons who stand accused in Criminal Proceeding to produce N.O.C. from the Court concerned for renewal of their Passports. From the conduct of the accused person, I do not find anything which would prevent this Court from allowing his prayer for issuance of N.O.C. The misgivings expressed by Ld. Lawyer for the complainant may be dealt with by imposing reasonable restrictions upon the accused petitioner.

Hence, the prayer of accused petitioner Amit Kumar Roy is considered and allowed.

The Bench Clerk is directed to issue N.O.C. in favour of the accused petitioner subject to the condition precedent that the accused petitioner shall file written undertaking to be present before the Court on each and every date of hearing and further that he will not leave India without prior permission of this Court.

Any violation of such precondition would result in setting aside of this order without any further intimation to the accused person.

It is further noted that the N.O.C. for renewal of aforementioned Passports shall only be for a period of one year from the date of communication of this order.

To **14.12.2018** for evidence.

Let a copy of this order be sent to the concerned Regional Passport Officer for information and taking necessary action.

D/C

Sd/- M.M., 3<sup>rd</sup> Court, Calcutta.      Sd/-M.M., 3<sup>rd</sup> Court, Calcutta.

Memo No.-

Date:-

Copy forwarded to the concerned Regional Passport Officer for information and compliance.

M.M.,3<sup>rd</sup> Court, Calcutta.

