

GR – 693/2019

New GR - 817/2019

Present : Sri A Bose (JO Code : WBJO1491)

Order dated 07.01.2026

Record is put today on the strength of put up petition by accused Krishnapada Bhowmick.

One petition filed by the accused Krishnapada Bhowmick, S/o Debendranath Bhowmick, of Sundarpur, Bauria, Howrah. The copy is duly served to the Ld APP and both sides are present.

Heard the Ld Advocate of the accused and he submitted that the instant record was fixed on 13.03.2026 for evidence and hearing of the petition by defacto complainant. The petitioner earlier issued an Indian Passport being no – H 7887846 which got expired on 15.09.2019 and due to pendency the petitioner could not renew his passport earlier and is required to renew the same for lawful purpose as per provision and thus he has to intend to apply his passport in the passport seva kendra as per settle provision of law. Ld Advocate for the accused present before this court. The accused is also present before this court and submitted a photocopy of his Aadhaar Card (true copy by Ld Counsel before this court) along with passport application form, Voter Card, PAN Card along with online appointment receipt issued by Ministry of External Affairs, Govt of India, Passport Seva Kendra, Kolkata.

Ld APP raised no objection.

Considering the case Rabindranath Bhargav vs State of UP and specially keeping in mind the notification dated 25.08.1993 issued by the Central Government in the exercise of its power **U/s 22 Passport Act of 1967 (Power to exempt)**, this court is of view that pendency of the criminal case is not a part if a person is seeking application of his passport rather the right to travel is a part of personal liberty and the same is a fundamental right under article 21 of the Constitution of India. Moreover there is plethora of judgements cited by the apex court in the same issue.

Hence, this court inclined to give permission to the accused to apply his above mentioned passport and is hereby same is allowed with a condition that whenever the accused will decide to travel outside his jurisdiction of the state using the passport should intimate to this court, otherwise, n/o will be passed against him.

The order should be treated itself as no objection in respect of the application of new passport of the accused prayed for.

Inform surety.

Hence the petition dated 07.01.2026 is disposed off.

To date (13.03.2026) for hearing of recall petition.

A Bose
JM, 1st Court,
Uluberia, Howrah