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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.L.P. 309/2022**

CENTRAL BUREAU OF INVESTIGATION Petitioner

Through: Mr. Mridul Jain, Spl. PP with Ms.
Ruby Sharma, Ms. Vedika Rattan,
Advs.

versus

SHRI T. DILEEP KUMAR & ORS. Respondents

Through: Mr. Pramod Jalan, Ms. Nandini Harit,
Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.04.2023

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CRL.M.A. 9747/2023

This is an application seeking grant of no objection for renewal of the passport of applicant/respondent No. 3 for a period of 10 years.

It is stated by Mr. Jalan, learned counsel that in the present case, since the appeal against acquittal is pending, the passport of the applicant/respondent No. 3 may be renewed only for a period of 10 years and since respondent No. 3 is an MBA, he needs to travel for various purposes.

Issue notice. Mr. Jain, learned special prosecutor accepts notice.

Mr. Jain, learned special prosecutor states that grant/renewal of passport for a period of 10 years may severely prejudice the case of the appellant and respondent No. 3 may not be available in case the acquittal is



set aside.

I have heard learned counsel for the parties.

In the present case, as per the judgment and order dated 12.01.2022, respondent No. 3 has been acquitted of all the charges.

As of today, the acquittal order stands as the same has not been stayed by this Court. The appeal of the CBI against order of acquittal is pending.

Till the order is set aside, I am of the view that there cannot be any fetters on the travel of respondent No. 3/applicant.

Schedule 3 Form EA(P)-01-Clause 17(c) of the Passport Rules, 1980 reads as under:

“17. (a) Have you at any time during the period of five years immediately preceding the date of this application been convicted by a Court in India for any criminal offence & sentenced to imprisonment for two years or more? If so, give name of the Court, case number and relevant sections of Law. (Attach copy of judgment)

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(b) Are any criminal proceedings pending against you before a Court in India? If so, give name of Court, case number and relevant sections of Law.

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.....

(c) If answer at (b) is (Y)es, please furnish No Objection Certificate from competent Court for grant of Passport.

.....”

Since there is already an order of acquittal, there cannot be any objection to grant/renewal of passport for a period of 10 years in accordance with Rule 12 of the Passport Rules, 1980.



However, respondent No. 3/applicant shall file an undertaking in this Court that as and when he is required, he shall appear in Court.

This order is to be read as NOC as per Schedule 3 Form EA(P)-01- Clause 17(c) of the Passport Rules, 1980.

Dasti

JASMEET SINGH, J

APRIL 13, 2023/dm

[Click here to check corrigendum, if any](#)