



IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No. 7 of 2026

[ODHC010292482025]

(An application under Order LVII Rule- 1 of CPC read with Section 114 of CPC, 1908)

Union of India and another Review Petitioners

-Versus-

Ashok Kumar Sipani Opposite Party

For Review Petitioners : Mr. B. Maharana, Senior
Panel Counsel,

For Opp. Party : Mr. S. Das, Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

JUDGMENT

21.08.2026

SASHIKANTA MISHRA, J.

The review petitioners, who were opposite parties in WP(C) No. 30881 of 2022, seek review of the judgment passed by this Court on 23.12.2024 therein.

2. Bereft of unnecessary details, the brief facts of the case are that the petitioner in the writ petition was the holder of Passport bearing No. U1497323, valid up to 25.12.2029. Said Passport was initially issued on Police



Verification Report. Subsequently, an adverse Police Verification Report was received showing involvement of the petitioner in Jagatsinghpur Marine P.S. Case No.26 dated 22.08.2010 registered under Sections 407/408/411/420/468/471/379/120-B of IPC, in which charge-sheet had already been submitted. On receipt of the report, the Passport Authority issued show-cause notice to the petitioner and thereafter, passed order dated 04.11.2022 impounding the Passport by invoking Section 10(3)(e) of the Passport Act, 1967. Said order was followed by a further order dated 10.11.2022.

3. Being aggrieved by the aforesaid orders, the petitioner approached this Court in W.P.(C) No.30881 of 2022 seeking quashing of the orders and restoration of his Passport. This Court, by judgment dated 23.12.2024, allowed the writ petition and quashed the orders.

4. The Review Petitioners, being aggrieved by the aforesaid judgment, approached the Supreme Court in SLP(C) Diary No.23237 of 2025. Said case was withdrawn by the Review Petitioners with liberty to approach this Court by filing Review Petition.



5. Heard Mr. B. Maharana, Senior Panel counsel for the Review petitioners and Mr. S. Das, learned counsel for the opposite party-petitioner in writ petition.

6. Mr. Maharana would argue that the judgment under review suffers from error apparent on the face of the record inasmuch as certain material facts and developments could not be brought to the notice of this Court at the time of hearing of the writ petition. He submits that the writ petitioner had suppressed the material fact regarding pendency of the criminal case while obtaining the Passport. He further submits that status of the criminal case obtained from the Police on 20.07.2022, shows that the petitioner had not appeared before the criminal Court and the case was pending at the stage of appearance of the accused. According to him, such fact coupled with the provisions contained in GSR 570(E) dated 25.08.1993, ought to have been taken into consideration while deciding the writ petition.

7. He further argues that this Court, while relying on the judgment in the case of **Asutosh Amrit Patnaik**¹

¹ W.P.(C) No. 4834 of 2022



failed to appreciate the distinction between Section 6(2)(f) and Section 10(3)(e) of the Passport Act, 1967. According to him, GSR 570(E) operates in a different field and is applicable to a case where issue or re-issue of a Passport is under consideration and the applicant seeks permission to travel abroad despite pendency of a criminal proceeding. He contends that the said provision has no application to a case where an existing Passport has been impounded under Section 10(3)(e) of the Act.

8. Mr. Moharana also submits that the Passport Authority had issued show-cause notice to the petitioner and had thereafter passed a reasoned order in exercise of the power conferred under Section 10(3)(e) of the Act. The power under Section 10(3)(e) is discretionary and the Passport Authority, having regard to the pendency of the criminal case and the conduct of the petitioner, was justified in exercising the same. He also contends that the petitioner had an alternative statutory remedy of appeal under Section 11 of the Passport Act, which was not availed of, and therefore, the writ petition ought not to have been entertained.



9. Lastly, Mr. Moharana submits that the Passport bearing No.U1497323 had already been physically cancelled while processing the subsequent Passport application of the petitioner and, therefore, the direction issued by this Court to restore the Passport could not have been issued. He, therefore, submits that as such facts were never considered by this Court, they constitute grounds for review of the judgment.

10. Per contra, Mr. S. Das submit that the Review Petition is nothing but an attempt to re-open the writ petition. According to him, all the issues now sought to be raised were either specifically considered by this Court or were matters which were available to be raised by the Review Petitioners at the time of hearing of the writ petition. He submits that mere failure of the counsel to advance a particular argument or to place a particular emphasis on a fact cannot furnish a ground for review. He further submits that the Review Petitioners have failed to point out any error apparent on the face of the record or any new and important matter which, despite exercise of due diligence, could not be produced before this Court



at the time of hearing of the writ petition so as to justify review of the judgment.

11. Having heard learned counsel for the parties and on perusal of the judgment under review as well as the grounds stated in the Review Petition, this Court finds that the principal question which arises for consideration is as to whether the grounds placed by the Review Petitioners make out any error apparent on the face of the record warranting interference in judgment dated 23.12.2024.

12. Before that it would be beneficial to discuss the scope of review. Law is no longer *res integra* that the first and foremost requirement of entertaining a review application is that the order, review of which is sought, (a) must be suffering from any error apparent on the face of the record, or (b) permitting the order to stand will lead to failure of justice. Reference in this regard may be had to the judgment of the Supreme Court in the case of ***Rajendra Kumar Vrs. Ram Bhai***². It is also well settled that an appeal cannot be filed in the guise of review.

² AIR 2003 SC 2025



Having regard to the contentions raised by the review petitioner, this Court feels it proper to also refer to the judgment of this Court in the case of ***Union of India v. Sudhir Kumar Ray and others***³, wherein it was held that a review cannot be entertained only on the ground that the matter could have been argued differently or that certain arguments could not be made by the counsel. It would also be apposite refer to the doctrine of *functus officio*. Once a Court has decided a matter and pronounced its judgment, it becomes *functus officio* in respect of the merits of the matter and cannot thereafter rehear the matter as an appellate Court over its own judgment.

13. Viewed in the background of the proposition of law as referred above, this Court shall now examine the grounds raised by the review petitioners.

14. The principal ground of the Review Petitioners is that this Court, while considering the judgment of ***Asutosh Amrit Patnaik (Supra)*** failed to appreciate the distinction between Section 6(2)(f) and Section 10(3)(e) of the Passport

³ AIR 1975 ORISSA 64



Act, 1967 and the scope and applicability of GSR 570(E) dated 25.08.1993. However, perusal of the judgment under review shows that this Court was conscious of the distinction between the two provisions. In paragraph 13 of the judgment under review, this Court specifically considered that the case of ***Asutosh Amrit Patnaik (Supra)*** involved refusal of the authorities to renew a Passport on the ground of pendency of a criminal case by invoking Section 6(2)(f) of the Act, whereas the case before this Court concerned impounding of an existing Passport under Section 10(3)(e) of the Act. Thereafter, this Court recorded its conclusion that though the two provisions operate at different stages and contemplate different actions, the circumstance, namely, pendency of a criminal case was common. This Court thereafter proceeded to examine the discretionary nature of the power under Section 10(3)(e) and held that mere pendency of a criminal case cannot in all cases lead to impounding of a Passport. Thus, what the Review Petitioners now seek is not correction of any error apparent on the face of the record, but reconsideration of the conclusion already reached by this Court. They seek to



persuade this Court to take a different view regarding the legal effect of GSR 570(E), the distinction between Sections 6(2)(f) and 10(3)(e) and the applicability of the judgment in ***Asutosh Amrit Patnaik (supra)***. Such an exercise would necessarily require this Court to reopen and rehear an issue which already stands adjudicated. In respect of such issue, this Court has become *functus officio*, subject only to the limited jurisdiction of review as discussed above. The above issue would be a matter for consideration in appellate jurisdiction and not in review jurisdiction.

15. As regards the availability of alternative remedy under Section 11 of the Passport Act, issuance of show-cause notice and passing of a reasoned order by the Passport Authority, the same were also urged before and considered by this Court in the writ petition.

16. The next ground of the Review Petitioners is that the opposite party-petitioner had suppressed the material fact regarding pendency of the criminal case while obtaining the Passport. This ground also does not constitute a ground for review. The pendency of the criminal case was not an undisclosed fact before this Court. On the contrary, the



entire judgment under review proceeds on the basis that criminal proceedings were pending against the petitioner.

17. The Review Petitioners have also stated that the Passport bearing No. U1497323 had already been physically cancelled while processing the subsequent Passport application of the petitioner and therefore, the direction to restore the Passport could not have been issued. Even assuming that such factual aspect was not specifically noticed in the judgment under review, the same in the facts of the present case, cannot result in review of the judgment. At best, the said fact may have relevance to the manner in which the operative direction is to be implemented.

18. For the foregoing reasons therefore, this Court finds no valid ground to review its judgment passed in W.P.(C) No. 30881 of 2022. The Review Petition is, therefore, dismissed.

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Sashikanta Mishra,
Judge

Signature Not Verified

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