

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal No. 131/2011

Aslam Chisti And Ors.

----Appellants

Versus

State of Rajasthan Through PP

----Respondent

For Appellant(s) : Mr. Ravi Kasliwal

For Respondent(s) : Mr. Bhawani Shankar Sharma, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

06/05/2024

Heard learned counsel for the accused-appellants and learned Public Prosecutor on the application bearing Inward No.1/2023 filed under Section 482 Cr.P.C. seeking permission of the Court to issue passport in favour of the accused-appellant No.5, namely **Sayeed Javed Chisti S/o Majid Chisti**.

Learned counsel for the applicant-appellant No.5 has drawn attention of this Court to the order dated 19.03.2012, whereby permission was earlier granted to the applicant to obtain visa/passport for a period of three months commencing from 1st October, 2012 to 31st December, 2012 for the purpose of pilgrimage to Makka Madina. Now, he has sought permission for the period commencing from November, 2023 to November, 2026 for performing ZIYARAT to Makka Madina, Bangladesh and Dubai alongwith his family members.

Attention has also been drawn to the notification issued by Ministry of External Affairs No. GSR 570 (E), dated 25.08.1993, which requires the permission of the Court, if the applicant for passport is facing trial before the Court. Earlier order dated 19.03.2012 was also passed in view of the above said notification.

Learned Public Prosecutor has opposed the prayer stating that the accused-appellant No.5 was already having passport issued in year 2000, which has expired on 10.01.2010. In my view, this contention does not have any force as the earlier issued passport has already expired.

It is pertinent to note that the accused-appellant No.5 has been enlarged on bail while suspending his sentence vide order dated 01.07.2011.

In view of above facts & circumstances of the case, permission is granted to accused-applicant No.5, namely **Sayeed Javed Chisti S/o Majid Chisti**, to get the passport issued, if he is otherwise entitled for issuance of the same from the Passport Office subject to the condition that just after performing the pilgrimage as prayed, he will immediately surrender the passport before its issuing authority under intimation of this fact to this Court.

Application No.01/2023 filed under Section 482 Cr.P.C. stands disposed of accordingly.

(VINOD KUMAR BHARWANI),J