

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B. Criminal Appeal No. 131 / 2011

1. Aslam Chisti s/o Nasim Niyazi
2. Mustkim s/o Nasim Niyazi
3. Asif s/o Nasim Niyazi
4. Sagir s/o Majhar
5. Javed s/o Majid
6. Shamim Chisti s/o Nasim Miya all by caste Musalman r/o
Khadim Mohalla, Ajmer.
(At present in Central Jail, Ajmer)

----Accused-Appellants

Versus

State Of Rajasthan Through Pp

----Respondent

For Appellant(s) : Mr. Ravikasliwal, Adv.
For Respondent(s) : Mr. N.S. Dhakad, PP.

HON'BLE MR. JUSTICE DEEPAK MAHESHWARI

Order

05/07/2017

Heard learned counsel for the accused-appellants and learned Public Prosecutor on the application filed under Section 482 Cr.P.C. seeking permission of the court to issue passport in favour of the accused-appellant **Sayeed Javed Chisti**, who is said to be the **Khadim of Dargah Ajmer**.

Learned counsel for the applicant 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 March, 2017 to 31.03.2020 for performing ZIYARAT to Makka Madina, Bangladesh and Dubai along with 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 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 accused-appellant Javed s/o Majid has been enlarged on bail while suspending his sentence vide order dated 01.07.2011.

In view of above facts permission is granted to accused-applicant Javed 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 under Section 482 Cr.P.C. disposed of accordingly.

(DEEPAK MAHESHWARI)J.