

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CRR/15/2026

Shri K. J. Fahd

Vs

The State

Mr. K. Sabir ... for the petitioner

Mr. Sumit Kumar Karmakar ... for the State

February 23, 2026

[AKB]

Item No.10

This revisional application filed under Article 227 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short BNSS, 2023), challenging the correctness, legality and propriety of the impugned judgement dated 16.10.2025 passed in Criminal Revision No. 14/2025 (Shri. K.J.Fahad vs. The State) passed by the Court of Sessions Judge, Andaman and Nicobar Islands, Port Blair.

By the said judgement the Sessions Judge dismissed the Criminal Revision and affirmed the order No. 38 dated 02.09.2025 passed by learned Judicial Magistrate First Class-1, Port Blair in G.R. Case No. 1296 of 2020.

The brief facts of the present case leading to filing this application is that the petitioner is a seaman by profession holding Continuous Discharge Certificate from Seafarer's Identity document (in short CDC) issued under Merchant Shipping (Continuous Discharge Certificate-cum-Seafarer's Identity Document) Rules, 2001 and has amended from time to time and conformity with the ILO convention No. 108/1958 and

also holding passport bearing No. M8457354 issued date 18.05.2015 and the date of expiry was 17.05.2025.

It is further case of the petitioner that a criminal case was initiated against him under Section 447/186/188/189/504/34 IPC read with Section 51 of DM Act, 2005 by lodging an FIR No. 377/2020 dated 13.10.2020. After culmination investigation a charge sheet No. 412/2020 dated 11.11.2020 was submitted. For renewal of his passport, he made a prayer before the learned Trial Court for permission to renew his passport and the said prayer was allowed by the learned Trial Court granted renewal of his passport for five years with a further direction to file a copy of passport to the SHO, PS Aberdeen as well as before the Trial Court and shall take permission of Court before leaving for abroad.

In pursuance of order passed by the Trail court, he applied before the passport authority for renewal of his passport but a letter dated 25.08.2025 was issued by Regional Passport Authority, Kolkata to the petitioner indicating therein that the following documents were required to be submitted for further process:

“I. Certified copy of the permission of the Ld' Trial Court allowing the applicant to depart from the Country and also mentioning the validity period of the Passport. In case no period is specified in the Court Order OR permission to travel abroad is provided for a period less than 01 year without mentioning the validity of the passport, the passport will be issued for a period of 01 year. Copy is enclosed at Annexure-I

Due care may be taken while seeking above such permission, that there is no such provision for seeking permission/NOC from the court concerned for issuance of passport; instead, it is permission to depart from India. In case of non-production of such permission, your aforesaid passport application will be subject to refusal u/s 6(2)(f) of the Passport Act, 1967.

II. An undertaking as per the provisions of aforesaid Notification GSR 570(E) dated 25/08/1993. Copy is enclosed at Annexure-II.”

And further requested the petitioner to produce the certified copy of the order of the learned Trial Court permitting the petitioner to depart from India for further processing of passport application. Due to such change circumstances, the petitioner further made an application to the Trial Court praying for review/modification of the order by allowing him to depart from India as and when required.

The Trial Court after hearing the parties held that no Court is empower to alter an order after its signed except to correct a clerical or arithmetic error. Hence the order cannot be modified under Section 362 of the Cr.P.C.

Being aggrieved with the said impugned order, the petitioner challenged the same by filing revisional application being No. 14/2025 before the Sessions Judge.

The Sessions Judge also dismissed the said application affirming the learned Trial Court order, hence this application.

Having heard the submission and upon perusal of the entire record this court finds that it is admitted facts that the

petitioner had never prayed for any depart from India at the time of filing initial application. Therefore, such prayer cannot be extended in an application for modification /review. There is specific bar under section 362 of the CrPC. Section prohibits criminal courts from altering or reviewing their judgement or final orders once signed, except to correct clerical and arithmetical errors.

Therefore, this Court also does not find any infirmity or irregularity or error in law in concurrent finding of the courts below.

Therefore, this Court is not inclined to allow this application.

However, it will be left open for the petitioner to pray for any depart from India by filing a fresh application, if there is no impediment, before the learned Trial Court, if so advise.

CRR/15/2026 is, thus, dismissed.

(Ajay Kumar Gupta, J.)