



\$~

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

%

Reserved on: 01.05.2024
Pronounced on: 02.05.2024+ **CRL.A. 574/2023**

VIJAY DARDA

..... Appellant

Through: Mr. Mudit Jain, Ms. Garima
Singh and Mr. Rudraksh
Nakra, Advocates

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. R.S. Cheema, SPP with
Ms. Tarannum Cheema, Adv.
for CBI.**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J.****CRL.M.A. 5786/2024**

1. By way of present application, the appellant seeks appropriate orders and directions from this Court to the Regional Passport Office for the renewal of his passport bearing No. Z5810813 for a period of 10 years.



2. The appellant herein was sentenced to undergo rigorous imprisonment for a period of three years with payment of fine of Rs. 5,00,000/- for offence punishable under Sections 120B/420 of Indian Penal Code, 1860 and Section 13(1)(d)(iii) read with Section 13(2) of Prevention of Corruption Act, and in default of payment of fine, to undergo simple imprisonment for three months, and further to undergo rigorous imprisonment for a period of four years with fine of Rs. 10,00,000/- for substantive offence punishable under Section 420 of IPC, and in default of payment of fine, to undergo simple imprisonment for three months. All sentences were ordered to run concurrently. The sentence of the appellant was suspended by this Court *vide* order dated 26.09.2023.

3. Learned counsel appearing on behalf of the appellant submits that the petitioner is a permanent resident of Nagpur, and he is a frequent traveler who needs to attend professional meetings to develop relations with his clients. It is stated that the passport of the appellant, bearing Passport No. 25810813 issued on 18.11.2019 is due to expire on 17.11.2024, and he has applied for re-issuance/renewal of his passport. It is argued that in view of the provisions of the Passport Act, 1967 and Notification No. GSR 570 (E) dated 25.08.1993, the appellant is seeking permission/No Objection from this Court since the passport authority will not accept the renewal application of the appellant without an order from this Court. It is submitted that the appellant has been allowed to travel abroad on several in the past by the learned Trial Court and he has always complied with the conditions imposed by the Court and has



never misused the liberty granted to him. It is also argued that the petitioner herein needs to travel abroad in connection with graduation ceremony of his grandson. It is also stated that the appellant has deep roots in society being a former Member of Parliament and therefore, necessary direction be issued for renewal of the passport for a period of 10 years.

4. On the other hand, learned SPP appearing on behalf of CBI submits that as per office memorandum No. VI/401/1/5/2019 dated 10.10.2019 released by the Ministry of External Affairs regarding issue of passports to applicants against whom criminal cases are pending, in accordance with notification no. GSR570(E), it has been specifically mentioned that the passport shall be issued for a period of one year or for the period of specified in the order of the court. It is, therefore, submitted that the passport of the appellant be renewed as per rules, and not for a period of 10 years.

5. This Court has heard arguments advanced on behalf of learned counsel for the appellant as well as learned SPP for CBI and has perused the material available on record.

6. This Court has gone through the contents of the Status Report filed by CBI and takes note of the notification dated 25.08.1993 with regard to issuance/renewal of passport of persons against whom criminal cases are pending before Courts in India. The relevant portion of the notification reads as under:

“...“(a) the passport to be issued to every such citizen shall be issued



- i. For the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or
- ii. If no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;
- iii. If such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or
- iv. If such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for a period of travel abroad specified in the order.”

7. This Court has also given its consideration to the order passed by this Court in *CRL.M.A.11885/2022 in CRL.A. 574/2020* observed that, “... *the passport of the petitioner be renewed in accordance with application rules and regulations, notwithstanding the pendency of the present appeal*” as well as order passed in *CRL. M.A. 13950/2022 in CRL.A. 764/2016* wherein permission for renewal of passport was granted for a period of three years.

8. It is not disputed that the appellant herein has been granted permission on past many occasions to travel abroad and he has not misused the liberty granted to him. Further, while suspending the sentence of the appellant, this Court *vide* order dated 26.09.2023 has already imposed a condition that the appellant shall not leave the country without prior permission of the concerned Court.

9. Therefore, considering the overall facts and circumstances of the case, and in view of the aforesaid discussion, this Court directs



that the passport of the appellant herein be renewed for a period of three years.

10. In view of the above, the present application i.e. CRL.M.A. 5786/2024 stands disposed of.

11. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 2, 2024/zp