

ITEM NO.3 Court 5 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1342/2017

VANGALA KASTURI RANGACHARYULU Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION. Respondent(s)
(ONLY I.A.NO.52346/2021 IN CRL.A.NO.1343/2017 IS LISTED AGAINST
THIS ITEM)

WITH

CrI.A. No. 1343/2017 (II)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 52346/2021
IA No. 52346/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 27-09-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Appellant(s) Ms. Aruna Gupta AOR
Mr. Syed Ahmad Naqvi, Adv
Mr. Dasari Muraleemohan, Adv
Mr. Bhamidipati S Ramchandra, Adv

Mr. Ambhoj Kumar Sinha, AOR
Mr. B. Ramana Murthy, AOR

For Respondent(s) Mr. J.K. Sud, ASG
Mr. Shantanu Sharma, Adv.
Mr. Digvijay Dam, Adv.
Mr. Mohd. Akhil, Adv.
Ms. Preeti Rani, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Mukesh Kumar Maroria, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA 52346/2021 in CrI.A. No. 1343/2017

The applicant was convicted for offences
punishable under Sections 120-B, 420, 468, 471, 477 A of

the Indian Penal Code read with Section 13 (2) read with Section 13 (1) of the Prevention of Corruption Act, 1988. The appeal filed by him was dismissed by the High Court. However, the sentence was reduced to a period of one year.

The application for exemption from surrendering filed by the applicant was allowed. Leave was granted in the criminal appeal filed by the applicant on 12.07.2017. The appeal is pending consideration.

In the meanwhile, the applicant has filed this application for a direction to the respondent to give no objection for renewal of his passport which expired on 12.11.2017. The applicant has contended that the application filed by him for renewal of passport was not considered. In spite of his repeated efforts, including filing of an application under the Right to Information Act, he was not informed the reason for non renewal of his passport. It is averred in the application filed for direction that the application was orally informed that the renewal of the passport was not being done due to the pendency of the criminal appeal in this Court.

Mr. J.K.Sud, learned Additional Solicitor General appearing for the respondent oppose the application and submitted that renewal of passport can be only after application obtains permission from the

concerned trial court. He referred to Section 6.2 of the Passport Act, 1967 and argued that the passport authority has the power to refuse issuance of the passport in view of the pendency of the criminal appeal filed by him. He submitted that sub-Section 6.2 (e) and (f) of the Passport Act, 1967 would be applicable to this case and the applicant is not entitled to seek renewal passport without obtaining permission from the trial court.

Section 6.2 of the Passports Act, 1967 reads as follows:

x x x x x x x x x x

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -

- (a) that the applicant is not a citizen of India.,
- (b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India.,
- (c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

The refusal of a passport can be only in case where an applicant is convicted during the period of 5 years immediately preceding the date of application for an offence involving moral turpitude and sentence for imprisonment for not less than two years.

Section 6.2 (f) relates to a situation where the applicant is facing trial in a criminal court.

Admittedly, at present, the conviction of the appellant stands still the disposal of the criminal appeal. The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.

The passport authority is directed to renew the passport of the applicant without raising the objection relating to the pendency of the criminal appeal in this Court. Subject to the other conditions being fulfilled, the Interlocutory Application stands disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master