

[1]

SC No.6/19
CNR No.DLCT11-000518-2019
State vs. Gopal Goyal Kanda & Anr.

Matter is taken up today for hearing through Video Conferencing in terms of Office Order No.417/RG/DHC dated 27.8.2020 and Circular issued by Ld. District & Sessions Judge-cum-Special Judge (CBI), Rouse Avenue District Court, New Delhi, regarding Duty Roster of the Judicial Officers and Modalities in respect of hearing bearing No.E-10559 10644/Power/Gaz./RADC/2020 dated 28.8.2020 and No.E-10927-11013/Power/Gaz./RADC/2020 dated 30.8.2020 respectively.

26.9.2020 **(Proceeding through VC on CISCO WEBEX)**
Present: Sh. Manish Rawat, learned Additional PP for the State.
A-1 Gopal Goyal Kanda is absent.
Sh. Rajeev Sirohi, learned counsel for applicant/A-1 Gopal Goyal Kanda.

1. Matter was listed today for consideration of the application moved by applicant/A-1 Gopal Goyal Kanda seeking directions to the Passport Authority for renewal of his Passport No.Z2012678 for normal full term which is expiring on 25.11.2020.

2. I have heard and considered the submissions made by learned counsel for the applicant/A-1 Gopal Goyal Kanda and Ld. Additional PP for the State. Record perused.

3. It is stated in the application that the passport is expiring on 25.11.2020. It is further stated in the application that the applicant/A-1 Gopal Goyal Kanda is Chairman of MDLAR Group of Companies and has to travel out of India for his business purposes. He has been given permissions by the court to travel out of India for his business purposes on his passport.

4. It is further submitted that applicant/A-1 Gopal Goyal Kanda has to travel abroad continuously and extensively so the renewal of the

**AJAY KUMAR
KUHAR**

Digitally signed by
AJAY KUMAR KUHAR
Date: 2020.09.26
03:45:21 -07'00'

passport for the period of 10 years would be needed for him.

5. Notice of the application was issued to the State. Prosecution has no objection to grant him permission for renewal of his passport. However, in the written submission filed by the Ld. Prosecutor it is stated that direction for renewal of passport for a period of 10 years cannot be given.

6. Ld. Counsel for the applicant/A-1 Gopal Goyal Kanda has referred to the Ministry of External Affairs Notification dated 25.08.1993 which exempt a person, against whom a criminal case is pending before a criminal court in India, from the rigor of section 6(2)(f) of Passport Act 1967. He has also referred to the judgments' in "Ashok Roopchand vs State of Maharashtra & others" and "Samip Nitin Ranjani vs Union of India" in support of his submissions that court can direct for renewal of passport for the full term as per the Passport Act.

7. A perusal of Government of India Notification through the Ministry of External Affairs, 25.08.1993, shows that the passport of citizens against whom criminal proceedings are pending, an order from court is required granting "No Objection" for renewal of the passport. Thus, a 'no-objection' of the court for renewal of passport is a requirement of procedure for the renewal of the passport if a criminal case is pending against a person. Applicant/A-1 Gopal Goyal Kanda is seeking a direction to the Ministry of External Affairs/Passport Authority for renewal of Passport but as per the Notification only a 'No-Objection' is required from the court.

AJAY KUMAR8.
KUHAR

Digitally signed by
AJAY KUMAR KUHAR
Date: 2020.09.26
03:46:02 -07'00'

8. Considering that the applicant/A-1 Gopal Goyal Kanda has been given permissions to visit abroad many times for his bussiness purposes and he has not abused the permission given, this Court considers it just and proper to give 'No-Objection' to the renewal of the passport of the applicant/A-1 Gopal Goyal Kanda.

[3]

9. This court, therefore, grants 'No Objection' to renewal of Passport No.Z2012678 of the applicant/A-1 Gopal Goyal Kanda for a term as per the extant rules and procedure under the Passport Act 1967. However, it is made clear that the applicant/A-1 Gopal Goyal Kanda shall travel abroad only after seeking permission of this court.

10. Application stands disposed off accordingly.

11. A copy of the order be sent at the email ID of the learned counsel for the applicant/A-1 Gopal Goyal Kanda by the reader of this court.

12. Matter be now listed on the date already fixed i.e. **05.10.2020 at 10.30 am** for PE. In case, the date happens to be the day of physical hearing of the court, then the matter will be taken up in the court itself, otherwise, through VC, as the case may be.

13. ***The Digitally signed order is being sent to Sh. Brijesh Andani, Reader of the Court on E-mail ID of the court i.e. readercbi09radc@gmail.com with the direction to place the order on the record as and when the regular functioning of the Courts is resumed or whenever he visits court as per Duty Roaster and send copy of the order to Computer Branch, RADC for uploading on Official Website.***

AJAY Digitally signed
by AJAY
KUMAR KUMAR KUHAR
Date:
KUHAR 2020.09.26
03:46:52 -07'00'
(AJAY KUMAR KUHAR)
**Additional Sessions Judge/
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases),
RADC, New Delhi : 26.9.2020 (SR)**

Cr. Rev. No.32/19
CNR No. DLCT11-001760-2019
Arvind Kejriwal v State & Anr.

Matter is taken up today for hearing through Video Conferencing in terms of Office Order No.417/RG/DHC dated 27.8.2020 and Circular issued by Ld. District & Sessions Judge-cum-Special Judge (CBI), Rouse Avenue District Court, New Delhi, regarding Duty Roster of the Judicial Officers and Modalities in respect of hearing bearing No.E-10559 10644/Power/Gaz./RADC/2020 dated 28.8.2020 and No.E-10927- 11013/Power/Gaz./RADC/2020 dated 30.8.2020 respectively.

26.9.2020 **(Proceeding through VC on CISCO WEBEX)**

Present: None for the Revisionist.
Sh. Manish Rawat, Learned APP for the State/Respondent No.1.
Sh. Mahipal Singh, learned counsel for Sh. Karan Singh Tanwar/Respondent No.2.

Arguments were submitted by the Ld. Counsel for the revisionist on the last date. The Ld. Counsel for the Respondent no.2 had earlier filed reply to the Revision petition and written submissions.

Today matter was listed for oral argument by the Ld. Counsel for R 2 as he could not appear on last date. Sh.Mahipal Singh Ld. Counsel for R-2 has adduced argument today.

Matter be now listed for orders on the date already fixed i.e.

30.9.2020.

The Digitally signed order is being sent to Sh. Brijesh

**AJAY
KUMAR
R
KUHAR**
Digitally signed by
AJAY KUMAR
KUHAR
Date:
2020.09.26
03:42:41
-07'00'

Andani, Reader of the Court on E-mail ID of the court i.e. readercbi09radc@gmail.com with the direction to place the order on the record as and when the regular functioning of the Courts is resumed or whenever he visits court as per Duty Roaster and send copy of the order to Computer Branch, RADC for uploading on Official Website.

AJAY
KUMA
R
KUHAR

Digitally
signed by
AJAY KUMAR
KUHAR
Date:
2020.09.26
03:43:19
-07'00'

**(AJAY KUMAR KUHAR)
Additional Sessions Judge/
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases)
RADC, New Delhi :26.9.2020(SR)**