

**IN THE COURT OF MS. NIRJA BHATIA, SPL.
JUDGE, PC ACT (CBI)-03, ROUSE AVENUE
DISTRICT COURT,
NEW DELHI**

IA No. 4/2020
CBI vs. M. Ramadoss etc.

20.07.2020

Pr. (On screen): Sh. Praneet Sharma, Sr. PP for CBI
alongwith IO/Insp. Kuldeep Meena.

Sh. Ayush Shrivastava, Id. Counsel for
the applicant.

The present **amended application dated 12.07.2020** on behalf of Sh. M. Ramadoss seeking this Court to issue appropriate orders for reissuance/renewal of his passport No. T6227006 which was valid until 25.06.2020 is taken up through Video Conferencing hosted by Sh. Ashok Kumar, Reader of the court in terms of orders of Hon'ble High Court bearing No. R-235/RG/DHC/2020 dated 16.05.2020 and 16/DHC/2020 dated 13.06.2020.

Nirja Bhatia

The background of the present application is that the applicant/accused M. Ramadoss had moved an application for renewal/re-issuance of passport. The said application was decided by the ld. Predecessor of this Court vide order dated 21.05.2019 with the following order :

“
.....
.....In view of the provision of the Passport Act as well as Notification bearing no. GSR 570(E) dated 25.08.1993, application in hand is allowed, and concerned authority may consider the prayer of the applicant for renewal/re-issuance of his passport for the period 10 years if permissible as per the rules and regulations of the Passport Act. This order should not be construed as directions to the Passport Authority is to take independent decision in the given facts and circumstances, as per rules and regulations of Passports Act.
.....
.....”

Subsequent thereto, the applicant/accused moved the Passport Office, Chennai. However, he could get renewal

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of the passport only up till 25.06.2020.

It is claimed that the Passport Authority did not issue/renew the passport for 10 years on the ground that the Court had not specifically indicated that the Court has “**No Objection**” to the Passport Authority renewing the passport for 10 years. It is claimed that the said passport was due to expire on 25.06.2020 and in the said background, the application was moved on 17.12.2019 for renewal/re-issuance till the period of 10 years. However, the said application could not be taken up due to lock down on account of COVID 19 pandemic forcing Id. Counsel to move an application for early listing of the said application. However, as the record reveals, by the time the said application came up, the passport had expired in June, 2020.

It be observed that time was sought vide order dated 13.07.2020 for modification/filing an amended application, as the earlier application dated 17.12.2019 for renewal had become infructuous. However the applicant has not made the amendment in the present application, as it still carries

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the prayer for renewal/issuance of fresh passport.

However, in order to avoid any further delay on technical ground and to impart the substantive hearing, I am overlooking the request of renewal of passport in view of the same having already been observed to have become infructuous and the arguments are being restricted to the plea of fresh issuance of directions for new passport. The reply on this is filed through email. (The physical copy may be filed in due course.)

The hearing is attended by IO/Insp. Kuldeep Meena, who has assisted Ld. Sr. PP. While admitting rest of the averments as the matter of record, the only objection raised is regarding the possibility of accused taking advantage of the of passport , may flee from the course of justice. The aforesaid is also orally reiterated during the hearing. While the applicant is represented by Sh.Ayush Shrivastava, Advocate, who has repeated his arguments for the Court to issue No Objection for Passport Authorities.

It be observed that the plea raised by the prosecution, raising objection is merely raised for raising "some

Miraj Ahluwalia

objection,” though, it does not show any substance to their own knowledge. The IO, during the entire course of investigation, did not arrest the applicant/accused. The applicant/accused was given bail vide order dated 23.01.2013 by the Id. Predecessor. Even, at that stage, there was no plea of impounding of passport. The IO did not at any stage make any request to Court even during investigation for impounding of passport and/or raised any plea that the applicant/accused is likely to flee to avoid course of justice. As is admitted, being matter of record, the applicant/accused has availed the earlier permissions for travelling UK from 12.09.2017- 31.10.2017 and for travelling USA and UK from 03.05.2015-05.06.2015 and had visited abroad. The applicant/accused is retired Chairman of Oriental Insurance Company and it is not denied that he has deep roots in the society. No specific plea, instance or occasion has been brought to the notice or even suggest otherwise, as is now being reflected in replay and is raised as objection.

Vide order dated 21.05.2019 of Id. Predecessor, the

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applicant/accused had been given permission to approach the Passport Authorities for consideration of issuance of passport in view of Provisions of Passport Act and in view of law settled. It is though claimed that the Passport Authority did not issue the passport for 10 years for want of any specific "No Objection" as is stated in para-7, which is reproduced herein below, no order of any official or any communication whereby, the issuance is refused for 10 years for want of specific No Objection, is placed on record.

"7. Thereafter the Applicant applied to the Passport Office in Chennai, which despite the clear and categorical order of this Hon'ble Court, denied granting renewal/ reissuance of passport to the Applicant herein for 10 years on the ground that this Hon'ble Court had not specifically indicated that this Court has "No Objection" to the Passport authorities renewing the passport for 10 years. Thus, the passport authorities renewed the passport only for one (1) year, i.e. up till 25.06.2020 and the same has now expired."

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During arguments, Mr. Ayuash Shrivastava, Id. Counsel for applicant/accused, could not even suggest any date, name of official or any instance to give credence to this plea. Admittedly, there is no written order and it is claimed that "May have been communicated verbally". Admittedly, the applicant has availed the extension of passport and has not challenged the discretion of the Passport Authority and has chosen to come to this Court again only after availing the advantage for the provided/ slated period up till 25.06.2020. The Court cannot sit in review of its earlier order, moreover, when there is no challenge to the same and in fact, the applicant/accused under the said order had already availed the advantage and had taken the remedy, which has duly been exhausted. It is not for the applicant to put words in the mouth of the Court and this attempt cannot be entertained. This Court cannot interfere in the administrative discretion of Passport Authorities.

Having regard to the afore-said, the application is allowed with the following orders :

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- (i) That the Passport Authority may consider the prayer of applicant/accused for re-issuance of his passport for a period of 10 years, if permissible as per Rules and Regulations of the Passports Act ; and,
- (ii) That this order should not be considered/ construed as direction to the Passport Authority for arriving at its independent decision in view of given facts and circumstances, as per the Rules and Regulations of Passport Act and subsequent notification(s) applicable.

The application stands disposed off accordingly.

A copy of this order be sent to the computer branch for uploading on the official website.

A copy of this order be scanned and placed on judicial file.

Nirja Bhatia

(NIRJA BHATIA)

Special Judge (PC Act) CBI-03,
RADDC/New Delhi /20.07.2020

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

CC/R.No. 285/2019
CBI Vs. Sanjay Anand etc. (Closure Report)

20.07.2020

Pr. (on screen): Sh. Praneet Sharma, Sr. PP for CBI.

Matter has been taken up through Video Conferencing hosted by Sh.Ashok Kumar, Reader of the court in terms of orders of Hon'ble High Court bearing No. R-235/RG/DHC/2020 dated 16.05.2020 and 16/DHC/2020 dated 13.06.2020.

Request for adjournment is received from the IO, wherein he has stated as under :

“Please refer to your Whatsapp message dated 14.07.2020 regarding my appearance through video conferencing on 20.07.2020 in case CC No.24/2019 (CBI Vs. Sanjay Anand) in the court of Ms. Nirja Bhatia, Special Judge (PC Act), CBI-03, RADC, New Delhi.

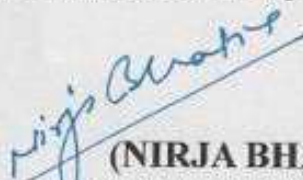
In this regard, it is submitted that I am not in a position to appear through Video Conferencing on 20.07.2020 for my submissions in the instant case.

It is, therefore, requested that a fresh date may please be given for my physical appearance in the Hon'ble Court.”

In view of the aforesaid, let the matter be fixed for **29.07.2020**. Fresh link be sent to IO for hearing through VC.

A copy of this order be sent to the computer branch for uploading on the official website.

A copy of this order and the be scanned and placed on judicial file.


(NIRJA BHATIA)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/20.07.2020