

IN THE COURT OF SH. CHANDRA SHEKHAR, LD.SPECIAL  
JUDGE, CBI-19 (PC ACT), ROUSE AVENUE DISTRICT  
COURTS, NEW DELHI

FIR NO: RC No. 217 2017 A 0004  
U/s: 120-B r/w Sec. 8 of PC Act  
PS: CBI, ACU-V/NEW DELHI  
CBI v. Babu Lal Agarwal

16.07.2020

Presence:

(Through CISCO WEBEX Meetings)

Ld. Defence Counsel Sh. Chirag Madan for  
applicant/accused Babu Lal Agarwal.

Ld. Public Prosecutor Sh. Amit Kumar for the CBI.

ORDER ON APPLICATION OF ACUSED  
BABU LAL AGARWAL SEEKING NO  
OBJECTION/PERMISSION FOR RENEWAL  
OF HIS PASSPORT

I have heard the submissions of Ld. Defence Counsel  
Sh. Chirag Madan for accused Babu Lal Agarwal and Ld.  
Public Prosecutor Sh. Amit Kumar on the aforesaid  
application seeking no objection/permission of the court for  
renewal of his passport bearing no. H9424073 by Video  
Conferencing through CISCO WEBEX Meetings arranged  
by Sh. Raj Kumar, who is Reader in this court, in  
compliance of the orders of Ld. District & Sessions Judge-  
cum-Special Judge (PC Act) Ms. Sujata Kohli, Rouse  
Avenue District Courts, New Delhi due to spreading of



Page No.1 of 4



Corona Virus (COVID-2019), special measures taken by the Govt. to prevent it by ordering a nationwide lockdown till 31.07.2020 and instructions issued by Ld. District Judge to work from home to maintain social distancing.

Ld. Public Prosecutor has submitted that some time may be given to him so that a reply to the aforesaid application may be filed on behalf of CBI.

Ld. Defence Counsel for the accused has submitted that it is a formal application; the accused is seeking permission only for renewal of his passport and not seeking permission to go abroad, therefore, his application may be heard and disposed of without waiting for written reply of CBI.

I have considered the submissions of both the parties, since; application filed by Ld. Defence Counsel is formal in nature, the request made by Ld. Public Prosecutor seeking adjournment for filing formal reply to the application is disallowed and both the parties are directed to address their respective submissions on the application.

Ld. Defence Counsel has submitted that accused was granted bail on 04.05.2017 by concerned court imposing a condition that accused will not travel abroad without seeking prior permission of the court; thereafter, vide order dated 03.04.2019, on the request of the accused, his passport was permanently released to him by the said court and since then, the passport of the accused is in his possession; now, the accused seeks no objection/permission of this court for getting his passport renewed as



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Page No.2 of 4



the same has already expired on 20.06.2020. The seeking of no objection/permission of the court for renewal of the passport is in compliance of rules/notifications issued under Indian Passport Act, 1961.

Ld. Public Prosecutor, in consultation with IO has submitted that if no objection/permission is given to the accused for renewal of his passport, the accused may abscond hampering the trial proceedings.

I have considered the submissions, perused the aforesaid application and copy of the passport annexed with the application.

The accused has submitted that his passport is in his possession and the same has already expired on 20.06.2020 and it needs renewal. As a part of procedure no objection/permission of the court where the case of accused is pending is required, therefore the accused has moved the present application in this court, as the aforesaid case is pending against him in this court. It seems that the objections raised by Ld. Public Prosecutor at this stage are not tenable as only renewal of the passport has been sought.

In view of notification no. GSR 570 (E) dated 25.08.1993 issued by the Govt. of India, Ministry of External Affairs and in view of case law titled as *Deepak Jain v. Union of India and Anr.*, decided on 08.10.2018 by the Hon'ble High Court of Delhi in which, the aforesaid notification is specifically mentioned in para no. 9 and also in view of para no. 10 of the aforesaid judgment, it is necessary for the applicant/accused to seek orders from the



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Page No.3 of 4



court expressly indicating the period for which, passport can be renewed/issued.

Accordingly, in the interest of justice, it is stated that this court has no objection, if the concerned authority renews the aforesaid passport of the accused for a period of ten years, if the accused is otherwise entitled for getting his passport renewed as per law/rules. *The application is allowed and disposed of accordingly.*

A copy of this order is being sent through Whats App to Sh. Rajkumar, Reader of this Court with a direction to get this order uploaded on the official website of Delhi District Courts at the earliest through Computer Branch of Rouse Avenue District Courts, New Delhi. He is also directed to send a Whats App copy of the order to the respective counsel of the parties at the earliest. A signed hard copy of the order shall be placed on record as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.

Dated 16.07.2020



CHANDRA SHEKHAR

Special judge, CBI-19 (PC Act)

Rouse Avenue District Courts, New Delhi

श्री चन्द्र शेखर  
Sh. Chandra Shekhar  
विशेष न्यायाधीश, क्राइमिनल विभाग (सी.बी.आई.)  
Special Judge PC Act (CEI)-19  
कमरा नं. 404, चौथी मंजिल  
Room No 404, 4th Floor  
रौज आवेन्यू न्यायालय परिसर  
Rouse Avenue Court Complex  
नई दिल्ली  
New Delhi