

ITEM NO.40

COURT NO.5

SECTION X

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

Writ Petition(s) (Criminal) No(s). 178/2017

DIPAK BAJAJ

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.118147/2017-EXEMPTION FROM FILING O.T.)

Date : 12-12-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE AMITAVA ROYFor Petitioner(s) Mr. Renjith B. Marar, Adv.
Ms. Lakshmi N. Kaimal, AOR
Mr. Vishu P., Adv.
Mr. Anubhav Anand Pandey, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RThis Writ Petition has been filed with the following
prayers :-

"1. Issue appropriate writ in the nature of mandamus to the respondents to release the passport of the Petitioner.

2. Issue a writ in the nature of mandamus or any such other writ direction or orders declaring that the Union of India or the Customs authority has no authority to hold back the passport of any foreign citizen and such seizure would be violation of Article 14, 19 and 21 of the Constitution of India, 1950."

We do not think that this Court should exercise its extraordinary jurisdiction under Article 32 of the Constitution of India since the petitioner is free to approach the trial court under Section 452 of Cr. P.C.

Without prejudice to such liberty available to the petitioner, this writ petition is disposed of.

In the event of such a petition being filed before the trial court, since the trial has already been concluded, the trial court will decide the same on its own merits.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR