



2025:AHC:142497

Neutral Citation No. - 2025:AHC:142497

Court No. - 77

Case :- APPLICATION U/S 528 BNSS No. - 26452 of 2025

Applicant :- Ashutosh Dixit

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Prateek Dwivedi

Counsel for Opposite Party :- G.A.,Sanjay Dwivedi

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Prateek Dwivedi, learned counsel for applicant and Sri Sanjay Dwivedi, learned counsel for Union of India.

2. The instant application has been preferred for challenging the order dated 20.05.2025 passed by learned Chief Judicial Magistrate, Jalaun at Orai in Case No. 4472 of 2021 (State vs. Ankit Rajawat and others) under section 298 I.P.C. and section 67 of I.T. Act arising out of Case Crime No.282 of 2020, P.S. Kotwali Orai, District- Jalaun, whereby the application preferred at the behest of applicant for seeking permission of renewal/re-issuance of passport, which was already expired on dated 31.03.2025, has been rejected.

3. At the very outset, learned counsel for applicant sought the attention of this Court over the reasoning recorded at the time of passing order dated 20.05.2025 in shape of declining the prayer as made at the behest of applicant for renewal/re-issuance of passport that certain criminal proceeding is pending against the applicant in shape of Case Crime No.282 of 2020 in pursuance to section 298 I.P.C. and section 67 of I.T. Act.

4. Learned counsel for applicant submitted that only on the basis of criminal proceeding pending as mentioned in order dated 20.05.2025, the prayer has been declined by learned court concerned without considering the guidelines which has been issued by Union of India, although the applicant has already been bailed out in the said case by learned trial court vide order dated 06.11.2024 and he is regularly participating in the trial and as such the finding returned by learned court concerned while passing order dated 20.05.2025 is not maintainable in the eye of law.

5. Per contra, learned A.G.A. vehemently opposed the prayer as made in the application, but did not dispute the facts and submissions as made by learned counsel for applicant.

6. After having rival submissions extended by learned counsel for the

parties, the arguments raised by learned counsel for applicant seems to be justified that proper explanation has been sought at the time of adjudication of application for seeking renewal of passport, which has not been considered at that time and as such the impugned order is liable to be set-aside.

7. In view of the aforementioned facts and circumstances, order dated 20.05.2025 passed by learned Chief Judicial Magistrate, Jalaun at Orai in Case No. 4472 of 2021 (State vs. Ankit Rajawat and others) under section 298 I.P.C. and section 67 of I.T. Act arising out of Case Crime No.282 of 2020, P.S. Kotwali Orai, District- Jalaun, is hereby **set-aside**; the matter is remitted back to learned court concerned for adjudicating the application for seeking permission for renewal/re-issuance of passport only in the light of aforesaid observations.

8. The instant application stands **allowed** accordingly.

Order Date :- 19.8.2025

Saif