



2025:AHC:177951-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 32728 of 2025

Sudhir Kumar Yadav

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Surendra Mohan Mishra
Counsel for Respondent(s)	:	A.S.G.I., C.S.C., Manish Kumar Niranjana

Court No. - 4

HON'BLE AJIT KUMAR, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Sri Surendra Mohan Mishra, learned counsel appearing for the petitioner and Sri Manish Kumar Niranjana, learned panel counsel appearing for the respondent Nos.- 1 to 3.
2. By means of this petition filed under Article 226 of the Constitution, the petitioner has prayed for expeditious disposal of his pending application for renewal of his passport by respondent no. 2.
3. It is contended that the application of the petitioner has remained pending consideration only for the reason that there are two criminal cases against him bearing Case Crime No.- 118 of 2023, under Sections 323, 506 IPC, Police Station- Uruwa Bazar, District- Gorakhpur and Case Crime No.- 266 of 2023, under Sections 419, 420, 467, 468, 417 IPC, Police Station- Uruwa Bazar, District- Gorakhpur, are pending before the trial court.
4. Learned counsel for the petitioner submits that the judgment of Division Bench of this Court in case of **Pawan Kumar Rajbhar vs. Union of India & 2 Others (Neutral Citation No. 2024:AHC:9963-DB)**, is applicable where criminal cases are pending against applicant, if such applicant gets no objection/sanction/ approval from the concerned criminal law court to travel outside India and then such passport applications can be disposed of by granting passport or renewal of passport as the case may be, provided there is no other legal impediment.

5. Sri Manish Kumar Niranjana, learned panel counsel appearing for concerned respondents does not dispute the aforesaid legal position and submits that in the event petitioner gets an application granted by the trial court where the criminal case is going on, the concerned respondent no. 2 may be directed to dispose of the pending application for renewal of the passport of the petitioner expeditiously.

6. We have considered the rival submissions and have also perused the judgment of Division Bench of this Court in case of **Pawan Kumar Rajbhar** (*supra*), in which vide para nos. 21 to 24, the Court has held below:-

"21. Therefore, we are inclined to read the word 'proceeding' used in Sections 6 (2) (f) and 10 (3) (e) of the Act to allow minimum scrutiny/application of mind by the jurisdictional Criminal Court under whose territorial jurisdiction a criminal investigation or enquiry or trial may be pending, as may be the case. Thus, where an offence may be pending investigation at a Police Station, the Court/Judicial Magistrate having territorial jurisdiction over that Police Station may grant permission to a person accused of that criminal offence, to travel abroad. Insofar as NCR are concerned, learned A.S.G.I. has categorically and most fairly stated, there is no reason to withhold issuance, renewal or reissue of a passport. The Regional Passport Authority do not and in any case they shall not withhold issuance, renewal or re-issuance of individual passports against report of NCR against any citizen applicant.

22. Primarily, that Criminal Court would have to be satisfied if the desired permission may be granted to an applicant citizen and the terms and conditions on which such permission may be granted and the period for which such travel permission may be granted. Such discretion when exercised judiciously would temper with reason, the uninhibited administrative discretion that may otherwise be claimed, in such matters. Perhaps, it is the lethargy or doubt in exercise of such administrative discretion that leads to the continuous flow of such petitions to this Court.

23. Also, unless the above expansive interpretation is given to the phrase "proceedings in respect of an offence" and the other phrase "pending before a criminal court" used in Sections 6(2)(f) and 10(3)(e) of the Act, an incongruent situation may arise where permission to travel abroad may come to be granted to an

accused in a heinous offence solely for reason of a narrow construction given to the word 'proceeding'. The investigation, the eventual trial and therefore the goal of speedy justice would stand inadvertently prejudiced and compromised, though the same may remain the cherished goal of state policy, on paper.

24. On the other hand allowing such competent Court to apply its mind to the permission sought to travel abroad, does not cause any injury to the applicant. It only enables the trial Court to fix its calendar efficiently. In matters where pre-trial criminal investigation or inquiry may be pending, it would allow the competent Court to test the impact of the travel proposed (by the accused) on the pending criminal investigation etc. It would also allow the competent Court to see if such accused person has cooperated in the criminal investigation and/or if his presence would be imperative during the period of travel proposed."

7. In view of the above, we dispose of this petition with following directions, provided that application for passport/ renewal of passport, has not been closed by the passport office till date:-

(i) Petitioner shall move an application before the concerned criminal court within a period of four weeks from today and in the event any such application is moved seeking no objection/grant of approval to travel outside India, the concerned criminal law court shall dispose of the same within further period of four weeks.

(ii) Soon after the disposal of the application of the petitioner by the criminal law court, the petitioner shall present the copy of the order of that court along with an application before concerned respondent no. 2, who shall dispose of application of the petitioner for renewal of passport, as expeditiously as possible, and in any case positively within next two months' time.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

October 8, 2025

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