



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 26537 OF 2025 (GM-PASS)

BETWEEN:

RAGHAVENDRA PRASAD KRISHNASHETTY,
S/O KRISHNASHETTY,
AGED ABOUT 34 YEARS,
R/AT NO.158/A, GROUND FLOOR,
ROYAL LAKE FRONT, 5TH MAIN, J P NAGAR,
8TH PHASE, BENGALURU-560078.

...PETITIONER

(BY SRI VIJAY KUMAR T,ADVOCATE)

AND:

1. UNION OF INDIA,
MINISTRY OF EXTERNAL AFFAIRS,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
SOUTH BLOCK, NEW DELHI-110001.
2. PASSPORT AUTHORITY OF INDIA
REPRESENTED BY ITS CHIEF PASSPORT OFFICER,
PSP DIVISION, MINISTRY OF EXTERNAL AFFAIRS,
ROOM NO.8, PATIALA HOUSE, TILAK MARG,
NEW DELHI-110001.
3. REGIONAL PASSPORT OFFICER
REPRESENTED BY ITS REGIONAL PASSPORT
OFFICER, 8TH BLOCK, 80 FEET ROAD,
KORAMANGALA, BENGALURU-560095.
4. THE STATE OF KARNATAKA,
BY KONANAKUNTE POLICE STATION,
BENGALURU-560062,
REPRESENTED BY STATE PUBLIC PROSECUTOR,

Digitally signed
by SHIVAKSHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



HIGH COURT OF KARNATAKA,
BENGALURU-560001.

...RESPONDENTS

(BY SRI SHANTI BHUSHAN H, DSGI FOR
SMT RESHMA THAMMAIAH, ADVOCATE FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE INDIA PRAYING TO I) LETTER REFERENCE NO. ISSUE A WRIT OF CERTIORARI TO SET ASIDE THE IMPUGNED OBJECTION DATED 11.08.2025 BEARING NO. OBJ/1049808386/25 ISSUED BY THE RESPONDENT NO.3, PRODUCED VIDE ANNEXURE - D TO THE WRIT PETITION IN ACCORDANCE WITH LAW AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned AGA accepts notice for respondent no.4.
2. The petitioner is before this Court seeking for the following reliefs.

"(i) Issue a writ of certiorari to set aside the impugned objection dated 11.08.2025 bearing letter Reference No.OBJ/1049808386/25 issued by the Respondent No.3, produced vide Annexure-'D' to the writ petition in accordance with law.

(ii) Issue a writ of Mandamus, directing the Respondent No.1 to 3 to issue the renewal of Passport to the Petitioner considering Online Application bearing No.BNS075000859425 filed by the petitioner, which produced vide



Annexure-'C' to the writ petition, in accordance with law and,

(iii) Issue any other writ, order or direction and such other and further relief as this Hon'ble Court deems fit in the facts and circumstances of the case in the ends of justice."

3. Petitioner having made an application for renewal of his passport, the same was not renewed on the ground that permission to travel had not been secured and furnished to the respondents from the criminal court seized of the criminal proceedings against the petitioner in Crime No.388/2023 pending on the file of the X Additional CMM Court, Mayo Hall, Bengaluru. It is in that background that the petitioner is before this court seeking for the aforesaid reliefs.

4. The submission of learned counsel for the petitioner is that, the petitioner having assailed the said criminal proceedings in Criminal Petition No.7500/2023, a Co-ordinate Bench of this Court, vide order dated 22.08.2023 has stayed the further



proceedings and as such, he submits that bail having been granted to the petitioner in Crl.Misc.No.6656/2023, there being no restriction on travel, he will obtain permission from the trial Court when required to travel. The requirement of such permission cannot be a condition precedent for renewal of the passport. In that regard he relies upon the decision of the Hon'ble Apex Court in ***Mahesh Kumar Agarwal vs. Union of India, 2025 INSC 1476.***

5. Sri Shanthi Bhushan, learned DSGI, would oppose the said contention of learned counsel for the petitioner and submits that, if the petitioner were to violate the bail conditions and travel abroad, then the entire proceedings before the trial Court would come to a standstill and as such, he submits that it would be better if the petitioner were to provide permission from the trial Court to travel abroad so as to process the renewal of the passport.



6. Heard learned counsel appearing on both sides and perused papers.
7. The Hon'ble Apex Court in ***Mahesh Kumar Agarwal*** (*supra*) has categorically held that permission to travel by the Criminal Court cannot be a condition precedent for consideration of an applicant to renew a passport, the same is in violation of Article 21 of the Constitution of India and any application for renewal of passport would have to be independently considered without insisting on such permission.
8. In that view of the matter, the said dicta would be equally applicable to the present case of the petitioner requiring the respondents to renew the passport without insisting on such permission, since the issue is only in relation to issuance of a passport.
9. Insofar as the travel of the petitioner is concerned, the petitioner would be bound by the conditions imposed by the trial Court in Crl.Misc.No.6656/2023 since one of the conditions is that, the petitioner shall



not leave the jurisdiction of the Court without prior permission. It would be required of the petitioner to obtain such prior permission before leaving the jurisdiction of the Court, which would also include permission for moving out of the country.

10. Since the said proceedings have been stayed by this Court vide order dated 22.08.2023 in Criminal Petition No.7500/2023, learned counsel for the petitioner expresses his apprehension that the request and/or an application filed by the petitioner would not be considered due to the stay order. Though there may be a stay granted by this Court for further proceedings, those proceedings are in respect to the main matter. The incidental aspect of considering an application to travel abroad would always be considered by the trial Court. *dehors* the stay granted on 22.08.2023 in Criminal Petition No.7500/2023. As such, the trial Court is directed to consider such an application as and when filed, and



pass necessary orders in accordance with law, as deemed fit by the said Court.

11. In that view of the matter, this Court passes the following:

ORDER

- i) Writ petition is ***allowed.***
- ii) The impugned objection dated 11.08.2025 bearing letter Reference No.OBJ/1049808386/25 issued by the Respondent No.3, produced vide Annexure-'D' is set-aside.
- iii) A mandamus is issued directing respondent No.3 to issue a short validity passport to the petitioner within a period of one week from the date of receipt of the copy of this order.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

MV/CHS
List No.: 2 Sl No.: 14