

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1580 OF 2023

Alpana Paras Kaswa,
age 46 yrs, Occ. Nil,
R/o Balaji Colony, Burudgaon Road,
Ahmednagar,
Dist. Ahmednagar.

Petitioner

Versus

1. The Union of India
through Secretary,
Ministry of External Affairs,
New Delhi.
2. The State of Maharashtra,
Through it's Secretary,
Department of Home Affairs,
Mantralaya, Mumbai.
3. The Regional Passport Officer,
Regional Passport Office,
Pune, Passport Bhawan,
Sr.No.5/2/2, Baner-Pashan Link
Road, Baner, Pune.411045.

Respondents

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Mr. M.A. Dond, Advocate for petitioner.

Mr. P.K. Lakhotiya, AGP for respondent No.2

Mr. A.G.Talhar, DSG for respondent nos.1 & 3.

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**CORAM : S. V. GANGAPURWALA, ACTING C.J.
& S. G. CHAPALGAONKAR, J.**

Date : 24th March, 2023

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ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith.

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2. With the consent of parties, heard finally at admission stage.

3. The application of the petitioner for renewal of the passport is rejected on the ground that criminal case is pending against the petitioner.

4. Learned counsel for the petitioner submits that in the Audit Report petitioner is exonerated.

5. We have also heard the learned DSG for respondent nos.1 and 3 and the learned AGP for respondent no.2.

6. Pendency of the criminal case cannot be the sole ground for rejecting the application seeking renewal of Passport.

7. The said issue is no longer res-integra. Reference can be had to the order of the Division Bench of this Court dated 23rd August, 2022 delivered at the Principal Seat in Writ Petition No.384 of 2019. In the said judgment, it is observed that, if a criminal case is pending, then the only limitation would be, the petitioner can not travel abroad without the permission from the Court where a criminal case is pending against the petitioner.

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8. In view of that, we pass following order.

ORDER

- i. The respondents shall process the application of the petitioner for renewal of Passport in accordance with the Rules without insisting for permission of the Court, where a criminal case is pending against the petitioner. If the Petitioner is traveling abroad, then the Petitioner would be required to seek permission from the Court where criminal case is pending.
- ii. Decision shall be taken as observed above, within two months.
- iii. The impugned communication is quashed and set aside.
- iv. If as per procedure on-line application is required to be made, the same shall be made by the petitioner.
- v. The petition is disposed off.
- vi. No costs.

(S. G. CHAPALGAONKAR, J.) (ACTING CHIEF JUSTICE)

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