



\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2492/2024**

NAKUL SEN

.....Petitioner

Through: Mr. Nitin Mehta, Ms.
Arushi Sethi & Mr. Arpit
Rawat, Advs.

versus

REGIONAL PASSPORT OFFICER

DELHI & ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC for
the State (Crl.) with Mr.
Sangeet Sibou, Mr.
Aniket, Ms. Priya Rai &
Mr. Abhishek Tomar,
Advs.
SI Parveen Kumar, PS-
Malviya Nagar
Mr. Ravi Prakash, CGSC
with Mr. Farman Ali, Mr.
Ali Khan, Ms. Usha
Jamnal, Mr. Taha Yasin,
Ms. Astu Khandelwal, Mr.
Yasharth Shukla & Ms.
Isha Kant, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

07.11.2024

CRL.M.A. 24280/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 2492/2024

3. The present petition is filed seeking directions for renewal of the passport of the petitioner for a period of ten years.
4. It is the grievance of the petitioner that his passport has



been renewed only for a period of one year at a time.

5. The learned counsel for the petitioner submits that the trial in the present case is pending for more than ten years. He submits that the petitioner has travelled abroad on many occasions in that period and he has never misused the liberty.

6. Section 6(2)(f) of the Passports Act, 1967 reads as under:

“6. Refusal of passports, travel documents. etc.

xxx xxx xxx xxx
(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -

xxx xxx xxx xxx
(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India”

7. In terms of Section 6(2)(f) of the Passports Act, 1967, the passport authorities can refuse the issuance/ renewal of the passport in case proceedings are pending in respect of any offence against the applicant before the criminal courts in India.

8. In terms of the notification GSR 570(E) dated 25.08.1993, the rules have been relaxed to the extent that the operation of Section 6(2)(f) is exempted on a No Objection Certificate from the concerned criminal Court.

9. In such a scenario, the authorities are to issue/renew the passport for a period as specified in the order of the Court.

10. Concededly, the petitioner was admitted on bail way back by order dated 27.06.2013.

11. It is not the case of the prosecution that the concession of bail was ever misused. It is also significant to note that no condition was imposed by the learned Trial Court while admitting the petitioner on bail in regards to his travel. Therefore, there is no impediment on the petitioner in traveling



out of this country.

12. The State also has not filed any report contending that there is an apprehension that if the petitioner travels abroad, he will misuse the liberty or will not appear before the learned Trial Court.

13. It is also an admitted fact that the petitioner had travelled abroad on many occasions after he was admitted on bail. The petitioner is stated to be a Fashion Designer and is required to travel abroad on regular basis.

14. In view of the above, the passport authorities are directed to renew the passport of the petitioner for a period of ten years subject to the petitioner fulfilling all other applicable conditions.

15. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 7, 2024

“SS”