



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 CRIMINAL WRIT PETITION NO. 433 OF 2025

DILIP JIJABAPU ZINJURDE

VERSUS

THE UNION OF INDIA THROUGH ITS REGIONAL PASSPORT OFFICER
AND OTHERS

...

Mr. Yuvraj S. Choudhari – Advocate for Petitioner

Ms. Sudha S. Chintamani – Advocate for Respondent No.1

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 15.09.2025

ORDER :

1. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The offences under Sections 494 and 109 of the Indian Penal Code are pending for the last 18 years against the petitioner. The petitioner applied for passport in the wake of a letter of appointment before the Trial Court, necessary permission was granted by the learned Magistrate, allowing the said application below Exh.118 in R.C.C. No.42 of 2007 by order dated 16.11.2024. The petitioner subsequently received the letter of appointment on 25.12.2024. In the wake of the same, petitioner again presented an application in order to apply for the passport, which came to be rejected by the learned Magistrate vide order dated 17.02.2025 aligning with appointment order on the ground that period required

for the validity of the passport has already been considered and the application was allowed vide order dated 26.12.2024 for a period of two years. However, the subsequent letter of appointment of the petitioner is not taken into consideration, while passing the order under challenge.

3. Therefore, the petitioner has presented this petition and put forth the following prayers :

- “A. The Writ Petition may kindly be allowed.*
- B. The impugned order dated 17.02.2025 passed by the learned Judicial Magistrate Court No.3, Rahata, below Exh.127 in R.C.C. No.42 of 2007, be quashed and set aside and the application filed below Exh.127 in Regular Criminal Case No.42 of 2007 may kindly be allowed.*
- C. Any other appropriate relief may kindly be granted in favour of the Petitioner.*

4. In order to demonstrate that the petitioner is required to seek necessary permission from this Court, the petitioner has placed on record the notification dated 25.08.1993 issued by the Ministry of External Affairs, Government of India, New Delhi. Apart from the aforesaid notification, the Office Memorandum dated 10.10.2019 issued by the Ministry of External Affairs, Government of India, dealing in detail with the subject of issuance of passports in favour of the applicants against whom criminal cases are pending before a Court of law, has also been relied upon. The relevant Clauses 3 and 5 (ii) of the said Memorandum are reproduced hereinbelow:

3. *It may be noted that applicants may be refused passports only on grounds mentioned under Section 6(2) of the Passports Act, 1967. Section 6(2)(f) of the Act states that the passport authority shall refuse to issue a passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. GSR 570(E) dated 25.08.1993 was introduced to give relief to such applicants against whom criminal proceedings are pending before any Court of law in India but who may need to travel abroad for some urgent business. With an undertaking under GSR 570(E) and an order from the Court, an applicant could be issued a short validity passport of one year validity or for the period specified by the Court.*

5(ii) Whenever an applicant is submitting a 'No Objection Certificate' (NOC) from a Court of law of India, the applicant should be advised that undertaking as per GSR 570(E) should be complete in all respects and should mention all the pending criminal cases against the applicant. The undertaking will have a note clearly stating that if any false or incomplete information is submitted by an applicant, then his passport application is liable to be rejected.

5. In view of the aforesaid instructions issued by the Ministry of External Affairs, Government of India, while processing the passport application of the applicant against whom the criminal cases are pending before the criminal Court of law in India. The Clause 5(iv) is reproduced hereinbelow :

5(iv) If an undertaking is incomplete or misleading and the

applicant is found to have suppressed details of other criminal cases against the applicant, a Show Cause Notice should be issued to the applicant and action initiated against that applicant as per provisions of Section 12 of the Passports Act, 1967. If information that an applicant has obtained a passport by making a false submission or by suppressing material facts come to light after the passport has been issued, the passport may be impounded or revoked as per provision of Section 10(3) (b) of the Passports Act, 1967, after following the due procedure.

6. Thus, it would be appropriate to consider the request of the petitioner by the Passports Authorities for issuance of a passport during the pendency of the criminal proceeding which is awaiting adjudication before the learned Magistrate. It would be necessary for the petitioner to place on record the details of the foreign countries proposed to be visited, along with the addresses and contact numbers of the petitioner before leaving the country.

7. Accordingly, the petition is allowed and the petitioner is permitted to apply for a passport.

8. The passport authorities shall consider the application of the petitioner, if same is found to be in accordance with the rules and regulations to issue a passport in favour of the petitioner in terms of the aforesaid directions.

9. In the light of above, the order rendered by the Judicial Magistrate

First Class, Rahata, is hereby quashed and set aside.

10. The Writ Petition is allowed. The petitioner shall submit the application to the concerned authority in the prescribed form, upon payment of the requisite fees and the authorities shall consider the application accordingly.

11. With the aforesaid directions, the petition is partly allowed.

12. The Rule is made absolute.

[SACHIN S. DESHMUKH]
JUDGE

Pooja Kale/