



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2968 OF 2025

Shaikh Mohsin Shaikh Sirajoddin,
Age : 38 years, Occ. : Business,
R/o. : S No.48/2/A, Plot No.36,
Garib Nawaz Colony, Dondaicha,
Tq. Sindkheda, Dist. Dhule

... APPLICANT

VERSUS

The State of Maharashtra
Through Investigation Officer,
Dondaicha Police Station,
Tq. Sindkheda, Dist. Dhule

... RESPONDENT

...

Mr. Azizoddin R. Syed – Advocate for Applicant
Mr. D.J. Patil – APP for Respondent, State

...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 16.09.2025

ORDER :

1. The applicant raises challenge to the order of learned Additional Sessions Judge, Dhule in Criminal Miscellaneous Application No.50/2025 for the offences punishable under Sections 307, 353, 332, 333, 225, 143, 145, 147, 149, 269, 270, 271, 504 of the Indian Penal Code and Section 37(1)(3), 135 of the Maharashtra Police Act in connection with C.R. No.48/2021.

2. Aggrieved thereof the applicant has approached this Court by presenting this application. It is submitted that the applicant is desirous of applying for a passport. As per the prescribed procedure, since the

Criminal Application is adjudicated before this Court, the applicant is necessarily required to seek permission of this Court.

3. The applicant has presented this application and put forth the following prayers :

- “A. This Criminal Application may kindly be allowed.*
- B. Record and Proceedings be called for;*
- C. This Hon'ble Court may be pleased and set aside the order dated 10.06.2025 passed in Criminal M.A. No.50/2025 by Ld. Addl. Sessions Judge, Dhule (Exh. “D”) and allow the Criminal M.A. No.50/2025 by directing the Passport office to issue passport in favour of applicant as per notification dated 25.08.1993.*
- D. Any other suitable and equitable relief may kindly be granted in favour of the applicant.”*

4. In order to demonstrate the applicant in law is required to seek necessary permission from this Court, the applicant has placed reliance on the Government Notification dated 25.08.1993 issued by the Ministry of External Affairs, Government of India. Apart from the same, 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 been relied. 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 applicant for applying the Passports Authorities for issuance of a passport. It would be necessary for the applicant to place on record the details of the foreign countries proposed to be visited, along with the addresses and contact numbers of the applicant before leaving the country.
7. Accordingly, the application is allowed, and the applicant is permitted to apply for a passport.
8. The passport authorities shall consider the application of the applicant and if same is found to be in accordance with the rules and regulations, issue a passport in favour of the applicant in terms of the aforesaid directions.
9. The Criminal Application stands disposed of.

[SACHIN S. DESHMUKH]
JUDGE