



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 CRIMINAL APPLICATION NO. 3342 OF 2025
IN CRIMINAL REVISION APPLICATION NO. 265 OF 2022

Deepak Prakash Patil,
Age : 30 years, Occ. : Service,
R/o. : Pathri, near Water Tank,
Tq. and Dist. Jalgaon

... APPLICANT

VERSUS

The State of Maharashtra
Through MIDC Police Station,
Tq. and Dist. Jalgon

... RESPONDENT

...

Mr. Girish V. Wani – Advocate for Applicant
Ms. M.N. Ghanekar – APP for Respondent, State

...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 18.09.2025

ORDER :

1. The applicant is convicted for the offences punishable under Sections 354(a)(1), 354(a)(iv), 323 and 504 of the Indian Penal Code. The conviction by the Trial Court and confirmed by the Sessions Court, aggrieved thereof the applicant has approached this Court by presenting the Criminal Revision Application. Considering the short term of sentence, this Court vide order dated 07.09.2022 has suspended the same. In this backdrop, it is submitted that the applicant is desirous of applying for a passport. As per the prescribed procedure, since the

Criminal Revision Application is subjudice before this Court, necessarily the applicant is required to seek permission of this Court

2. Therefore, the applicant has presented this application and put forth the following prayers :

- “A. Be please to allow the present application.*
- B. Be please to allow the applicant to obtain the passport from the competent authority.*
- C. Any other relief that may deem fit in the interest of Justice may kindly be awarded.”*

3. In order to demonstrate that the applicant is required to seek necessary permission from this Court, the applicant has placed on record the Government 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.

4. 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.

5. Thus, it would be appropriate to consider the request of the applicant for applying the Passports Authorities for issuance of a passport during the pendency of the Criminal Revision Application, which is awaiting adjudication before this Court. 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.

6. Accordingly, the application is allowed and the applicant is permitted to apply for a passport.

7. The passport authorities shall consider the application of the applicant, 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.

8. The Criminal Application stands disposed of.

[SACHIN S. DESHMUKH]
JUDGE