

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1699 OF 2025

Mayur Santosh ShastriPetitioner

versus

The Union of India and Ors.Respondents

Mr. Nilesh Bhagwat i/b Shrinivas Wagh for the Petitioner.

Adv. G. S. Saluja, for the Respondent No. 1, 3, and 4.

Mr. P. P. Kakade, Addl. G. P. a/w V. M. Mali, AGP for the State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 12th FEBRUARY, 2025

P.C. :-

1. The Petitioner was already issued with a passport on 10th December, 2013 for a period of 10 years. The said passport expired on 9th December, 2023. An FIR No.296, was registered against the Petitioner, on 1st July, 2024 at the Satara Police Station in District Chhatrapati Sambhajanagar. Sections 279 and 338 of the IPC were invoked.

2. The incident narrated in the FIR is that the Petitioner was purportedly driving a four-wheeler car having Registration No. MH 20 DJ 8934, which dashed a motor-cycle having Registration No. MH 21 AY 7262. The two wheeler rider and the pillion rider suffered injuries, who lodged the FIR. The matter is still pending trial.

3. In *Vangala Kashturi Rangacharyulu Vs. Central Bureau of Investigation*, the Hon'ble Supreme Court dealt with Criminal Appeal No.1342 of 2017 and has concluded by refering to Section 6.2 of the Passport Act, 1967 which reads as under:-

“(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:-

- (a) that the applicant is not a citizen of India.,*
- (b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India.,*
- (c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;*
- (d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;*
- (e) that the applicant has, at any time during the period of five years immediately preceding the date of*

his application, been convicted by a country in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

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

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a Court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.”

4. It was, thus, concluded in *Vangala Kashturi Rangacharyulu* (supra), that the refusal of the passport can be only in the case when an Applicant has been convicted during a period of five years immediately preceding the date on which the application for passport has been filed. The offence must involve moral turpitude and the sentence of imprisonment should be for not less than two years.

5. In the present case, the Petitioner has not been convicted.

6. In view of the above, **this Writ Petition is partly allowed** with a direction to Respondent Nos.4 to consider the application of the Petitioner for renewal of the passport, without insisting on the permission of the Court and the said application shall be dealt with on its own merits in view of the fact that there has been no order of conviction against the Petitioner.

7. Let this exercise be completed within a period 45 days.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)