

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

Criminal Writ No. 1588 of 2025

Mr. Ameya Girish Inamdar ... Petitioner

V/s.

The State of Maharashtra ... Respondents.

Mr. Sourabh Butala i/b. Mr. Siddhesh Bane	Advocates for the Petitioner.
Ms. R.S. Tendulkar	APP for the State.

CORAM : S.M. MODAK, J

DATE : 9th July 2025.

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P.C. :

Heard Mr. Butala, the learned Advocate appearing for the Petitioner and Ms. Tendulkar, the learned APP appearing for the State.

2. The present Petitioner is an accused in the trial for the commission of offence under Section 304(A), 279, 337, 338 of Indian Penal Code and under Section 184 of the Motor Vehicles Act. It is pending before the Court of JMFC, Dahanu. The Petitioner is working in KPPL India Ltd. as the Assistant General Manager-Sales and Marketing. He is required to visit various countries by way of his professional commitment. That is why he applied before the concerned Magistrate for renewal of the passport for 10 years. It was

rejected by the trial Court as per the order dated 28th November 2024 (wrongly typed as 2023).

3. The learned Judge has referred to the observations in case of *Abbas Hatimbhai Kagalwala v/s. The State of Maharashtra* in Writ Petition No.384/1990. Learned Single Judge has referred to observations in case of *Vangala Kasturi Rangacharyulu v/s. Central Bureau of Investigation*¹. Whereas according to Mr. Butala, the learned Judge has placed wrong reliance on the observations into such judgments. He made following submissions:-

- (i) In case of *Vangala Kasturi* (supra) the conviction was for a period of one year whereas as per the provisions of Section 6(2) of the Passport Act, the Passport Authority can refuse to issue a passport if during preceding 5 years, the conviction is for a period of two years and above. Clause (e) and Clause (f) of Section 6(2) are relevant.
- (ii) He relied upon two office memorandum dated 25th August 1993 and 10th October 2019 which says that there can be exemption to citizens against whom proceedings are pending in a criminal Court. Certain guidelines are also fixed about the duration of the passport.
- (iii) He relied upon the observations in case of *Cyrus Balsara*

1 2021 SCC ONLine SC 3549

v/s. Union of India and anr.².

(iv) In this case the clause which is applicable is 6(2)(f). It reads thus:

“that proceedings in respect of an offence alleged to have been committed by the Applicant are pending before a criminal Court in India”.

4. Be that as it may, the Central Government has clarified that the persons can be exempted against whom the criminal cases are pending. The learned judge was wrong in placing reliance in case of *Abbas Kagalwala* (supra). It is for the reason in Abbas case the observations in Vangala are referred whereas Vangala case is based on conviction for one year. Learned Judge has overlooked the fact that still the trial is pending and during trial the accused is presumed to be innocent. The Office Memorandum dated 10th October 2019 is applicable.

5. Right to travel is recognised as a fundamental right. Court can ask the Petitioner to take permission prior to leaving India but in no case the prayer for renewal of passport can be refused. I am not inclined to grant prayer for renewal of passport for 10 years. It can be for a period of 5 years.

6. In view of that, the following order is passed:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 28th November 2024 passed by the Court of JMFC, Dahanu in SCC No.352/2022 is set aside.
- (iii) The Petitioner is permitted to apply for renewal of the passport for a period of 5 years subject to Rules.

7. It is made clear that this order is passed only on assumption that only one case is pending against the Petitioner. The Passport Authorities are at liberty to verify about this fact.

8. Writ Petition stands disposed of.

(S.M. MODAK, J.)