



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 913 OF 2025

IN

CRIMINAL APPEAL NO. 67 OF 2016

(Vilas s/o Manoharrao Tayade ..vs.. State of Maharashtra, through Dy.S.P., CBI ACB, Nagpur and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J.D. Bastian, Counsel for the appellant,
Ms. P.K. Sathianathan, Special PP for respondent No.1,
Mr. S.A. Chaudhari, Counsel for respondent No. 2.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 06-11-2025

The present application has been filed challenging the communication dated 28.10.2025 issued by the Regional Passport Office, Nagpur, whereby objections were raised to the renewal of the applicant's passport.

2. The applicant has preferred an appeal challenging the judgment and order dated 02.02.2016 passed by the learned Additional Sessions Judge, Wardha in Special (ACB) Case No. 2 of 2006, convicting him for the offence punishable under Section 13(1)(d) read with Section 13(2) of the *Prevention of Corruption Act, 1988* and sentencing him to suffer rigorous imprisonment for two and a half years and to pay a total fine of Rs. 40,000/-, in default to suffer simple imprisonment for one month. This Court, by order dated 02.03.2016, has suspended the substantive sentence imposed by the Trial Court.

3. The applicant thereafter applied to the Regional Passport Office, Nagpur for renewal of his passport vide Passport Application No. 1076072974425 dated 28.10.2025. The said Authority raised objections to the renewal on the ground that *Criminal Appeal No. 67 of 2016* under the *Prevention of Corruption Act* is pending before this Court. Invoking the provisions of Section 6(2)(f) of the *Passports Act, 1967*, the Authority proposed to refuse the renewal of the applicant's passport.

4. Heard the learned Counsel for the applicant and the learned Counsel for the respondents.

5. The learned Counsel for the applicant submits that the impugned communication has been issued mechanically and without due consideration of binding judicial precedents. Reliance is placed on the decisions of this Court (Aurangabad Bench) in *Criminal Application No. 1695 of 2025* and *Criminal Application No. 1472 of 2025*, as well as on the judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation*, 2021 SCC OnLine SC 3549, to contend that mere pendency of criminal proceedings or appeal cannot, by itself, be a ground to deny passport renewal when the sentence stands suspended.

6. Per contra, learned Counsel appearing for the Union of India supported the impugned communication, contending that under Section 6(2)(f) of the *Passports Act, 1967*, the Passport Authority is empowered to refuse to issue or renew a passport when criminal proceedings are pending before a court in India.

7. The short question that arises for consideration is whether the Passport Authority was justified in refusing to renew the passport of the applicant solely on the ground of pendency of the criminal appeal before this Court, relying on Section 6(2)(f) of the *Passports Act, 1967*. For ready reference, the relevant provision is reproduced below:

“Section 6 – Refusal of passports, travel documents, etc.

(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 on any one or more of the following grounds, and on no other ground, namely:

...

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

...”

8. The right to travel abroad forms an intrinsic part of the personal liberty guaranteed under Article 21 of the *Constitution of India*. The Hon’ble Supreme Court in ***Vangala Kasturi Rangacharyulu (supra)*** has held that once the sentence imposed by a trial Court has been suspended during the pendency of appeal, the pendency of such appeal cannot, by itself, be a valid ground to deny renewal of passport facilities. The Hon’ble Supreme Court in the case of *Vangala Kasturi Rangacharyulu (supra)* has observed in paragraphs 8, 9 and 10 thus :

“8. Section 6.2(f) relates to a situation where the applicant is facing trial in a criminal court.

9. Admittedly, at present, the conviction of the appellant stands still the disposal of the criminal appeal.

The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.

10. The passport authority is directed to renew the passport of the applicant without raising the objection relating to the pendency of the criminal appeal in this Court. Subject to the other conditions being fulfilled, the Interlocutory Application stands disposed of.”

9. In the present case, it is undisputed that the applicant's sentence stands suspended by the order of this Court dated 02.03.2016, and the appeal is still pending adjudication. In view of the law laid down by the Hon'ble Supreme Court, the refusal by the Regional Passport Office, Nagpur, to renew the applicant's passport solely on account of pendency of the appeal is unsustainable in law.

10. Accordingly, the communication dated 28.10.2025 issued by the Regional Passport Office, Nagpur is hereby quashed and set aside. The Regional Passport Office, Nagpur, is directed to reconsider the applicant's request for renewal of passport in the light of this order and the judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu* (supra).

11. The Regional Passport Office, Nagpur, shall process the applicant's renewal application and pass appropriate orders in accordance with law, within a period of **four weeks** from the date of receipt of this order, subject to fulfillment of all administrative and procedural requirements.

The application stands **disposed of accordingly**. No order as to costs.

(NIVEDITA P. MEHTA, J.)

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