



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.832/2025 in Cri.Appeal No.447/2021

**Dipak Ramraoji Khodaskar and others Vs. State of Maharashtra,
Through Police Station Officer, Police Station Morshi, District Amravati**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.V. Navlani, Advocate for Applicant
Mr. A.R. Chutke, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 9th OCTOBER, 2025

1. Heard.

2. The applicant has filed the present application seeking a direction to the passport authority to renew the passport of Applicant No.4. The applicant No.4 has placed on record the order dated 14.07.2025 passed by the Regional Passport Office, Nagpur, under the Government of India, Ministry of External Affairs, whereby the renewal of Applicant No.4's passport was rejected on the ground that a criminal offence is pending against him.

3. This Court, vide order dated 22.08.2025, had directed the passport authorities to issue a No Objection Certificate for the renewal of the passport of Applicant No.4. Despite the said order, no compliance was made by the passport authorities. Thereafter, Applicant No.4 approached this Court again with a grievance that the passport authorities have failed to

renew his passport in accordance with the Court's directions.

4. The learned counsel for the applicant contends that the mere pendency of a criminal case cannot constitute a ground for denial of passport renewal, as the right to personal liberty encompasses the right to travel abroad and the right to possess a passport. Reliance is placed on the judgment reported in **2022 ALL SCR (Cri) 485, *Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation***, wherein Paragraphs 5 and 6 are instructive and read as follows:

“5. The refusal of a passport can be only in case where an applicant is convicted during the period of 5 years immediately proceeding the date of application for an offence involving moral turpitude and sentence for imprisonment for not less than two years.

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

6. 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.”

5. In light of the aforesaid judgment, the passport authorities are hereby directed to renew the passport of Applicant No.4, Vaibhav Sudhirpant Khodaskar, without raising any

objection on account of the pendency of the criminal appeal before this Court. However, it is clarified that the appellant/applicant no.4 shall seek prior permission of this Court, as may be required.

Accordingly in view of above order the application stands disposed of.

(NIVEDITA P. MEHTA, J.)

MP Deshpande