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Crl.O.P.No.28819 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28819 of 2025

Zakir Hussain
S/o Jafarullah Khan

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Nungambakkam Range, Chennai – 7.

2. The Regional Passport Officer,
Regional Passport Officer,
Chennai Royal Towers,
Nos.2 & 3, IV Floor, Old No.785
New No.158, Anna Salai,
Chennai – 2.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crl.M.P.No.8759 of 2025 in C.C.No.6942 of 2022 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai and set aside/ modify the impugned order dated 24.06.2025 passed in Crl.M.P.No.8759 of 2025 in C.C.No.6942 of 2022 by the learned XIV Metroplitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondents : Mr.Vinothraja,
Govt.Advocate (Crl.side) for R1
Mr.M.Sathyan,
A.C.G.S.C. for R2



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ORDER

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This Criminal Original Petition has been filed seeking to call for the records in Crl.M.P.No.8759 of 2025 in C.C.No.6942 of 2022 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai and set aside/ modify the impugned order dated 24.06.2025, passed in Crl.M.P.No.8759 of 2025 in C.C.No.6942 of 2022, by the learned XIV Metroplitan Magistrate, Egmore, Chennai.

2. Learned counsel for the petitioner would submit that the petitioner is arrayed as A1 in C.C.No.6942/2022, pending trial on the file of the XIV Metropolitan Magistrate, Egmore, Chennai. The petitioner has filed an application seeking permission to renew his passport and reissue the same. The learned Magistrate, by order dated 24.06.2025, directed the passport authority to renew the passport for a period of one year. He would further submit that in respect of similar persons like the petitioner who have sought extension of passport, this Court in W.P.No.18182/2025 dated 15.05.2025 and W.P.No.18345/2025 dated 16.05.2025, had granted extension of passport for three years and thereby, the petitioner seeks to grant extension for a period of three years. He would further submit that if the extension is sought before the passport authorities, it can be granted



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only for a period of one year. However, when the extension is pursuant to the direction by this Court, it can be for a period of three years.

3. Learned Government Advocate (Crl.side) appearing for the 1st respondent would submit that trial is pending. Learned Standing Counsel appearing for the 2nd respondent would submit that as per GSR 570(E) in the Ministry of External Affairs Notification, dated 25.08.2025, the renewal can be done only for a period of one year.

4. Heard both sides and perused the materials available on record.

5. It is seen from the records that if the renewal of passport is made before the passport authority, it can be done for a period of one year in respect of the citizen facing criminal cases. However, extension of more than one year can be done pursuant to the direction of this Court.

6. For easy reference, General Statutory Rules (hereinafter referred to as 'GSR') Notification 570(E) dated 25th August, 1993 is extracted hereunder:-

“GSR 570(E)- In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. GSR 298 (E) dated the



14th April 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub- section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued-

(i)for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii)if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;

(iii)if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv)if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a) (ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further



that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall given an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.”

7.As per GSR 570(E)(a)(i), the passport to be issued to every citizen against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India shall be for the period specified in the order of the court concerned or if the court specifies a period for which the passport has to be issued. If no period either for the issue of the passport as per GSR 570(E)(a)(i) and (ii), or for the travel abroad is specified in such court order, the passport shall be issued for a period of one year and if such order gives permission to travel abroad for a period less than one year, but does not specify the period of validity of the passport, the passport shall be issued for one year.



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8. In respect of similarly placed persons, as this Court in the order dated 25.05.2024 in W.P.No.14199 of 2025 and in the order dated 15.05.2025 in W.P.No.18182 of 2025 had directed to issue passport for a period of three years, this Court is also inclined to modify condition No.3 imposed by the XIV Metropolitan Magistrate, Egmore, Chennai, on 24.06.2025 for the same period.

9. Accordingly, condition No. 3(i), impugned by the XIV Metropolitan Magistrate, Egmore, Chennai, by order dated 24.06.2025 is modified to the effect that the second respondent herein - passport authority shall renew the passport of the petitioner for a period of three years.

10. With the above direction, the Criminal Original Petition stands disposed of.

14.11.2025

vsi/raa

Neutral Citation: Yes/No

Note: Issue order copy on 18.11.2025



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To
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Chennai – 7.
2. The Regional Passport Officer,
Regional Passport Officer,
Chennai Royal Towers,
Nos.2 & 3, IV Floor, Old No.785
New No.158, Anna Salai,
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3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

vsi/raa

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