



2025:DHC:9763



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Judgment Delivered on: 04.11.2025*

+ CRL.M.C. 6006/2025

ANITA KAUL

.....Petitioner

Through: Mr. Sahil Ghai, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
with SI Mohit, PS Alipur.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J (ORAL)**

1. The present petition has been filed seeking setting aside of the impugned order dated 08.08.2025 passed by the learned Chief Judicial Magistrate, North District, Rohini Court, Delhi.
2. Further prayer has been made for grant of permission to the petitioner to 'depart from India' and for renewal of passport specifically for a period of 10 years (subject to eligibility as per any other requirements of the Passport Rules, 1980).
3. The learned counsel for the petitioner submits that proceedings in respect of criminal matter is pending against the petitioner by way of a case arising out of FIR No. 08/2018 under Section 279 of IPC, 1860 and Section 33(1)A read with Section 58(d) of the Delhi Excise Act, 2009 registered at PS Alipur.
4. He submits that the maximum sentence for the said offences is for a



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period of 03 years.

5. He submits that during the pendency of the criminal proceedings, the passport of the petitioner expired and the permission was granted by the learned Trial Court for renewal of the same for a period of 01 year and accordingly the passport was renewed for the said period. Before the expiry of said 01 year, the petitioner again applied for permission to the learned Trial Court for renewal of the passport and the learned Trial Court granted permission for a period of 05 years.

6. However, when an application for renewal of passport was made, an objection was raised by the passport authority to the effect that there is no specific order given by the learned Trial Court granting permission to the petitioner to depart from India which is the requirement in terms of Office Memorandum issued by the Ministry of External Affairs, Government of NCT, *vide* O.M. dated 06.12.2024.

7. He submits that thereafter the petitioner again approached the learned Trial Court with the request to modify the order dated 28.01.2025. The learned Trial Court though granted no objection for the issuance of passport to the petitioner as per Rules with permission to depart from India/travel abroad subject to prior intimation to the Court regarding the said travel to abroad, but the period was reduced from 05 years to 01 year.

8. The learned counsel for the petitioner submits that the petitioner has previously travelled abroad on four occasions and has never misused the liberty, which position is not disputed by the learned APP on instructions



from the IO, who is present in Court.

9. At this stage, it is relevant to refer to Section 6(2)(f)¹ of the Passport Act, 1967 which provides that the passport authority shall refuse to issue a passport or travel documents for visiting any foreign country *inter alia* on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before the criminal Court in India.

10. However, by way of Office Memorandum dated 06.12.2024, the Central Government while exercising its power under Section 22² of the Passport Act, 1967 has relaxed the operation of Section 6(2)(f) of the said Act subject to the following conditions:

“(i) who produce orders from the court concerned permitting them to depart from India:

(ii) Passport validity of such passport applications: (a) For the period specified in order of the court (b) if no period either for the issue of the passport or for the travel abroad is specified, the passport shall be issued for a period of one year (c) if such order gives permission to travel abroad for a period less than one year, but does not specify the period

¹ Section 6 (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: -

xxx

xxx

xxx

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

² **22. Power to exempt.**—Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(a) exempt any person or class of persons from the operation of all or any of the provisions of this Act or the rules made thereunder; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.



validity of passport shall be issued for one year (d) if such order gives permission to travel abroad for a period exceeding one year, the passport shall be issued for the period of travel abroad specified in the order;

(iii) The said citizen shall give 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.”

11. In view of the nature of offence, the fact that the petitioner has already travelled abroad on four occasions and never misused the liberty, and regard being had to the above Office Memorandum dated 06.12.2024, this Court does not find any impediment in granting permission to the petitioner to depart from India and for the renewal of passport for a period of 10 years.

12. Accordingly, the present petition is allowed and the impugned order dated 08.08.2025 is modified to the extent that the permission so granted to the petitioner to depart from India shall be for a period of 10 years and the passport authority may issue the passport to the petitioner accordingly, in accordance with the Passport Act, 1967 and the Rules framed thereunder.

13. The petition stands disposed of.

14. Order *dasti* under the signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 4, 2025/N.S. ASWAL