HARISH VITHAL CHAUDHARI
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 768 OF 2026
IN
CR. WRIT PETITION NO. 3587 OF 2023

Sagar Kisan Lakhole ...Applicant

V/s.

The State Of Maharashtra And Another ...Respondents

Mr. Dheeraj Patil for the Applicant.
Mrs. Shubhangi N. Deshmukh, APP for the Respondent-State.
Mr. Vijay Killedar a/w Shivraj Jagadale for Respondent No. 2-(UOI).

CORAM : NEERAJ P. DHOTE, J.
DATE : 20th NOVEMBER, 2026

P. C. :

1. This is an Application with the following prayers:

a) That this Hon'ble Court be pleased to permit the Applicant to renew the Passport Z3744119 issued by Ministry of External Affairs, Regional Passport Office, Pune, Government of India and for granting permission to travel abroad.

b) That this Hon'ble Court be pleased to direct the Passport Authority may process and renew the Applicant's passport in accordance with law and the applicable rules.

c) Grant such further and other reliefs as this Hon'ble Court may deem fit a proper in the facts and circumstance of the case.

2. Learned counsel for the Applicant/Petitioner submits that, the Applicant is not pressing the prayer in respect of permission to travel abroad.

3. It is submitted by the learned counsel for the Applicant/Petitioner that the Applicant/Petitioner holds a passport issued by the competent authority. The passport expired in the month of July 2026. The Applicant/Petitioner applied for renewal of his passport to the concerned authority on 26th May 2026. The Respondent No. 2 authority declined to renew the passport due to the pendency of Crime No. 872 of 2022 registered with the Phaltan Rural Police Station for the offences punishable under Sections 327, 341, 143, 147, 323, 504 and 506 of the Indian Penal Code, 1860. He submits that reference to Section 6(2)(f) of the Passports Act, 1967 by the Respondent No. 2 authority is misplaced, as no criminal case is pending against the Applicant/Petitioner as on date. The Applicant/Petitioner has preferred a writ petition for quashing of the said crime, and the said writ petition is pending for consideration before this Court. The Division Bench of this Court, by order dated 27th February 2024, directed that the charge-sheet may not be filed against the

Applicant/Petitioner. He submits that necessary directions be issued to the Respondent No. 2 authority directing renewal of the Applicant's passport. In support of his contention, he relies on the order dated 21st June 2024 passed by this Court in Writ Petition (L) No. 14496 of 2024, wherein this Court directed the passport authority to issue the passport by considering the provisions of Section 6(2)(f) of the Passports Act.

4. Learned APP appearing for the State submits that, she has no instructions in the matter.

5. Learned counsel appearing for the contesting Respondent No. 2 authority submits that, the authority has declined to renew the passport of the Applicant/Petitioner due to the pendency of the aforesaid crime. He submits that, the position under the law is well settled in view of the judgment of the Hon'ble Supreme Court of India in ***Mahesh Kumar Agarwal v. Union of India and Another, [2025 SCC OnLine SC 2887]***. He submits that appropriate orders be passed.

6. The Respondent No. 2 authority has refused to renew the passport of the Applicant/Petitioner by relying on the provisions of Section 6(2)(f) of the Passports Act, 1967. The said provision reads as under:

"**Clause (f) of sub-section (2) of Section 6**

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India."

7. The aforesaid provision shows that, the authority can refuse to make an endorsement on the passport in view of the conditions contemplated under the said Section 6. Clause (f) of sub-section (2) of Section 6, which is relied upon by the Respondent No. 2 authority, provides that, the authority may refuse to make an endorsement on the passport if proceedings in respect of an offence alleged to have been committed by the Applicant/Petitioner are pending before a criminal court.

8. Perusal of the aforesaid decision of the Hon'ble Supreme Court of India shows that, the said provision of Section 6(2)(f) of the Passports Act has been considered. The decision of the Hon'ble Supreme Court of India in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation, [2021 SCC OnLine SC 3549]* has also been considered. The relevant paragraphs from the said judgment are quoted below:

> *"**18)** There is yet another aspect. The learned Single Judge treated the subsisting conviction in the Delhi case as an additional reason to sustain refusal under Section 6(2)(f). However, this Court in Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation 2021 SCC OnLine SC 3549 has already drawn a clear distinction between anaccused "facing trial in a criminal court" and a person who has been convicted and is pursuing an appeal and how the same can impact the issuance of a passport. The relevant paras of this judgment are as follows:*
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> > *"7. 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.

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."

***19**. Moreover, Section 6(2) (f) speaks of "proceedings in respect of an offence alleged to have been committed" and is directed at the pre-conviction stage. Once there is a conviction, the situation falls, if at all, within Section 6(2)(e), which uses a different threshold and language. The Delhi conviction, therefore, could not have been used to reinforce a bar under Section 6(2) (f). In any event, the Delhi High Court, fully conscious of the conviction and sentence, has itself granted no objection for renewal for ten years, while retaining its control over travel."*

9. In the case at hand, the aforesaid crime is registered against the Applicant/Petitioner. Undisputedly, pursuant to the order of this Court in the Writ Petition No.3587 of 2023 directing not to file the charge-sheet, the charge-sheet has not been submitted. Resultantly, there is no pending case or proceedings against the Applicant/Petitioner before the criminal court. It appears that the Applicant/Petitioner had not brought to the notice of the Respondent No. 2 authority the said order of this Court dated

27th February, 2024. Thus, considering the facts of the case and the settled legal position, necessary directions are required to be issued to the Respondent No. 2 authority. Hence, the following order:

ORDER

I. The Applicant/Petitioner is at liberty to file a fresh application before the Respondent No. 2 authority for re-issuance of his passport.

II. If such an application is made by the Applicant/Petitioner before the Respondent No. 2 authority, the same shall be processed in accordance with law, taking into consideration that this Court has directed that the charge-sheet shall not be filed in Crime No. 872 of 2022 registered with Phaltan Rural Police Station.

III. The aforesaid exercise shall be completed as expeditiously as possible, keeping in view the applicant's date of travel.

IV. This order shall not be construed to have diluted condition (e) of the order dated 3rd January 2023 passed by the learned Additional Sessions Judge, Satara in Bail Application No. 891 of 2022.

V. The application is accordingly disposed of.

[NEERAJ P. DHOTE, J.]