

Mr. Niranjana Mundargi with Mr. Sagar Shete, Mr. Omneel Jadhav, Ms. Ruchika Ghag, Mr. Akash Ghadge, for Petitioner.  
Mrs. S.G.Talhar, APP for State.

**DATE : 30 JANUARY 2026**

1. Rule. Rule made returnable forthwith, and, with the consent of the learned Counsel for the parties, heard finally.

2. By this Petition under Article 227 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS 2023), the Petitioner assails the legality, propriety and correctness of the order dated 28 October 2025 passed by the learned Magistrate, whereby the application preferred by the Petitioner to travel abroad, came to be rejected.

3. The Petitioner also seeks a direction for grant of no objection to renew the passport for a term of 10 years, which is expiring on 29 May 2026.

4. Pursuant to a report lodged by the first informant – father of a person who died due to drowning while boating, FIR No.0234 of 2023 came to be registered against the Petitioner for an offence punishable under Section 304-

A read with Section 34 of the Indian Penal Code, 1860. The Petitioner and his daughter have a bungalow, wherein the deceased and his office colleagues had come to stay for a retreat when the unfortunate incident occurred.

5. The Petitioner holds a passport issued by the Passport Authority of India. The Petitioner is required to travel abroad. The Petitioner had moved an application O.M.A. No.22 of 2025 seeking permission for renewal of passport and to travel to Dubai. By an order dated 25 April 2025, learned Magistrate partly allowed the said application and permitted the Petitioner to travel to Dubai during the period January 2025 to December 2025, subject to certain conditions. Learned Magistrate, however, observed that the Court was not competent to direct the passport authority to renew the passport, and, thus, the Passport Authority shall renew the passport of the Petitioner in accordance with law. Thereupon, the Passport Authority renewed the passport for a term of one year only.

6. As the validity of the passport is to expire on 29 May 2026, the Petitioner again took out an application, being Criminal Misc. Application No.19 of 2025, seeking permission to renew the passport and also to travel to Dubai on 15 October 2025. By the impugned order dated 28 October 2025, learned Magistrate rejected the application observing that, as the Court had already ruled that the Court has no power to direct the renewal of the

passport, the said prayer was not tenable and since the period for which the Petitioner intended to travel to Dubai had already elapsed, the application was rendered infructuous.

7. Being aggrieved, the Petitioner has invoked the writ jurisdiction.

8. I have heard Mr. Niranjana Mundargi, learned Counsel for the Petitioner and Mrs. Talhar, learned APP for the State. With the assistance of the learned Counsel for the parties, I have also perused the material on record.

9. Mr. Mundargi, learned Counsel for the Petitioner would submit that the learned Magistrate has proceeded on an erroneous impression that the permission of the criminal court is not required to renew of the passport and the matter lies within the province of the Passport Authority of India, completely. In view of the Notification dated 25 August 1993, issued by the Government of India in exercise of the power conferred under the Passport Act, 1967, the permission of the concerned Court is necessary for renewal of the passport.

10. It was further submitted that, once the learned Magistrate grants permission for renewal of passport in accordance with the rules, then the passport is required to be renewed for a term of 10 years. In the first order dated 25 April 2025, learned Magistrate has erroneously observed that the Court cannot grant permission for the renewal of the passport and directed the Passport Authority to renew the passport in accordance with the rules.

The passport authority renewed the passport for a term of one year only. By the impugned order dated 28 October 2025, the learned Magistrate not only declined to grant permission for renewal of the passport, but also rejected the application to travel abroad. Thus, the impugned order deserves to be quashed and set aside.

11. Learned APP made an effort to support the impugned order.

12. It appears that the attention of the learned Magistrate to the provisions contained in the Passport act, 1967 and the Passport Rules, 1980 framed by the Central Government in exercise of the power conferred by Section 24 of the Passport Act, 1967, was not drawn.

13. Under Section 6(2) of the Passport Act, 1967, subject to the other provisions of the said 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 grounds enumerated in clauses (a) to (i) to the said sub-section and on no other ground. Clause (f) of sub-section (2) of Section 6 empowers the passport authority to refuse to issue the passport or travel document where the proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India. Pendency of the criminal proceedings, thus, bears upon the entitlement to a passport or travel document.

14. Under Rule 12 of the Passport Rules, 1980 framed under Section 24 of

the Passport Act, 1967, provisions have been made for duration of the passport or travel document. Under sub-Rule (1) of Rule 12, an ordinary passport for persons other than children below the age of 15 years, containing thirty-six pages or sixty pages shall be in force for a period of 10 years from the date of its issue.

15. In exercise of the power conferred by clause (a) of Section 22 of the Passport Act, 1967, the Central Government has issued a Notification dated 25 August 1993 to exempt citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before the criminal Court in India and who produce orders from the concerned Court permitting them to depart from India, from the operation of the provisions of clause (f) of sub-section (2) of section 6 of the Passport Act (which empowers the passport authority to refuse to issue passport on the ground of pendency of the criminal proceedings in any Court in India). The said Notification reads as under :

“MINISTRY OF EXTERNAL AFFAIRS,  
NOTIFICATION  
New Delhi, the 25th August, 1993

G.S.R. 570(E)- In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in suppression of the notification of the Government of India in the Ministry of External Affairs No.G.S.R. 298(E), dated 14th April, 1976, the Central

Government, being of the opinion that it is necessary in the 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 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 traveled 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 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.

[No VI/401/37/39]

L.K.PONAPPA,Jt.Secy. (CPV)”

16. A conjoint reading of the aforesaid provisions of the Passport Act, Passport Rules, 1980 and the Notification, makes it abundantly clear that the aforesaid Notification dated 25 August 1993, exempts the citizens from the prohibition of having passport or travel document under Section 6(2)(f) of the Passport Act, upon fulfillment of the conditions specified thereunder, provided the accused produce order from the concerned court permitting them to depart from India. Therefore, where the issue or renewal of passport is sought by a person against whom a criminal case is pending before in any Court in India, such person must obtain permission of the jurisdictional Court.

17. Learned Magistrate was, therefore, in error in holding that the criminal Court cannot grant permission for the renewal of the passport. A profitable reference in this context can be made to a judgment of this Court in the case of **Narendra K. Ambwani V/s. Union of India and Ors.**<sup>1</sup>, wherein this court issued guidelines to be followed by the passport authority where a Magistrate's Court directs that the passport may be renewed as per rules. They read as under :

"10. In the circumstances, we propose to issue guidelines to be followed by the Respondents on receipt of the applications for renewal of the passports, in all cases, where the Magistrate's court has directed that the passports may be renewed as per the "Rules".

11. Accordingly, we issue the following directions :-

(a) In all cases where the Magistrate's court directs renewal of the passports under the Rules, the Passport Rules, 1980 shall apply and passports other than for a child aged more than 15 years shall be renewed for a period of ten years or twenty years as the case may be from the date of its issue. All qualifying applicants are entitled to have passport renewed for atleast ten years. The Regional Passport Office shall renew the passports of such qualifying applicants atleast for ten years.

(b) In case where the passports are valid and the applicants hold valid visas on existing passport, the Regional Passport Officer shall issue the additional booklet to the same passport provided the applicant had obtained permission to travel

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1 (2014(4) Bom.C.R.281

abroad.

(c) If the learned Magistrate passes an order making the reference to the said Notification No.G.S.R. 570(E) dated 26th August, 1993, the passport shall be renewed only for such period that the Magistrate may specify in the order or as otherwise specified in the said Notification where the passport of the applicant is valid for less than one year, the additional booklet may be issued subject to the orders to be obtained in this behalf only of the Magistrate concerned.”

18. As the learned Magistrate, by an order dated 25 April 2025 had granted permission to travel abroad and directed passport authority to renew the passport in accordance with law, in view of the aforesaid guidelines, the passport authority ought to have renewed the passport for atleast 10 years. The renewal of the passport for one year only made the Petitioner to again approach the criminal court. By the impugned order, the learned Magistrate straightway rejected the application on an erroneous impression that the criminal court had no power. Resultantly, the impugned order cannot be sustained. The Writ Petition, thus, deserves to be partly allowed.

19. Hence, the following order :

#### ORDER

- (i) The Writ Petition stands partly allowed.
- (ii) The impugned order dated 28 October 2025 stands quashed and set aside.

(iii) Learned Magistrate shall grant permission to renew the passport to the Petitioner for a term of 10 years.

(iv) Since the period for which the Petitioner intended to travel abroad has already elapsed, the Petitioner is at liberty to file a fresh application for permission to travel abroad whenever the situation warrants.

(v) In the event, such an application is filed, the learned Magistrate shall pass appropriate orders in accordance with law, without being swayed by the impugned order and the order dated 25<sup>th</sup> April, 2025.

(vi) Rule made absolute to the aforesaid extent.

**( N.J.JAMADAR, J. )**