NC: 2026:KHC:21158
CRL.P No. 4430 of 2026

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 4430 OF 2026

BETWEEN:

SYED KHALEEFATHULLAH BASHA
S/O SYED HABEEBULLA BASHA
AGED ABOUT 45 YEARS
R/O NO 45-24-M-6, ASHOK NAGAR
KARNUL CITY, ANDHRA PRADESH - 518 005.

...PETITIONER

(BY SRI. SYED AKBAR PASHA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
EAST ZONE WOMEN POLICE
R/P BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

2. SYED FASEEHA NAZ
W/O SYED KHALEEFATULLAH BASHA
D/O SYED WAJID PSHA
AGED ABOUT 41 YEARS
R/O FLAT NO. F-7
SAI BRINDAVAN MANSION
KODIGEHALLI MAIN ROAD
MAHADEVAPURA POST
BENGALURU - 560 048.

Digitally signed by PADMAVATHI B K
Location: High Court of Karnataka

3. THE REGIONAL PASSPORT OFFICER
THE REGIONAL PASSPORT OFFICE
8TH BLOCK, 80 FEET ROAD,
KORAMANGALA
BENGALURU - 560 095.

…RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1;
SRI. SHANTI BHUSHAN, DSGI FOR R3)

THIS CRL.P IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS) PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED XI ACJM, BENGALURU IN CC.NO.36683/2021 DTD 10.02.2026 AND PLEASE TO ALLOW THE APPLICATION FILED BY THE PETITIONER FOR RENEWAL OF PASSPORT.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before the Court calling in question a communication dated 10.02.2026 by which the renewal of the passport of the petitioner comes to be rejected.

2. Heard Sri. Syed Akbar Pasha, learned counsel appearing for the petitioner; Smt. Sowmya R., learned High Court Government Pleader appearing for respondent No.1 and

Sri. Shanti Bhushan, learned Deputy Solicitor General of India appearing for respondent No.3.

3. The petitioner is accused No.1 in Crime No.43/2021 registered for offences punishable under Sections 498A, 506 and 34 of the Indian Penal Code, 1860 ('the IPC' for short) and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The Police conduct investigation and file a charge sheet in C.C.No.36683/2021. The matter is pending consideration before the concerned Court. The issue in the *lis* is not with regard to the merit of the matter. During the subsistence of the proceedings, passport to the petitioner gets expired and therefore applies for renewal. Renewal comes to be rejected on the score that the aforesaid proceedings are pending consideration at the hands of the concerned Court. He is therefore, before this Court calling that in question.

4. The learned counsel appearing for the petitioner submits that pendency of the proceedings before the concerned Court in an offence punishable under Section 498A of the IPC should not create an impediment to get the passport renewed.

5. *Per contra*, Sri. Shanthi Bhushan, learned Deputy Solicitor General of India would submit that a regular validity passport cannot be granted to the petitioner in the light of the aforesaid proceedings, but only a short validity passport, as there is a clear bar under Section 6(2) of the Passports Act. 1967.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the available material on record.

7. The afore-narrated facts are not in dispute. The issue that has fallen for consideration need not detain this Court for long or delve deep into the matter. The Apex Court in its Judgment in the case ***MAHESH KUMAR AGARWAL Vs. UNION OF INDIA***, reported in ***2025 SCC OnLine SC 2887*** considers the entire spectrum of the Act, interprets Section 6(2)(f) of the Passports Act and the official memoranda on the issue and holds as follows:

> " **7.1.** Section 5 of the Passports Act, which deals with applications for passports and orders thereon, provides as follows:
>
> "**5. Applications for passports, travel documents, etc., and orders thereon**

(1) An application for the issue of a passport under this Act for visiting such foreign country or countries (not being a named foreign country) as may be specified in the application may be made to the passport authority and shall be accompanied by such fee as may be prescribed to meet the expenses incurred on special security paper, printing, lamination and other connected miscellaneous services in issuing passports and other travel documents.

Explanation. - In this section, 'named foreign country' means such foreign country as the Central Government may, by rules made under this Act, specify in this behalf.

(1A) An application for the issue of-

(i) a passport under this Act for visiting a named foreign country; or

(ii) a travel document under this Act for visiting such foreign country or countries (including a named foreign country) as may be specified in the application or for an endorsement on the passport or travel document referred to in this section,

may be made to the passport authority and shall be accompanied by such fee (if any), not exceeding rupees fifty, as may be prescribed.

(1B) Every application under this section shall be in such form and contain such particulars as may be prescribed.

(2) On receipt of an application under this section, the passport authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing,-

(a) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application; or

(b) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an

endorsement in respect of the other country or countries; or

(c) refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.

(3) Where the passport authority makes an order under clause (b) or clause (c) of sub-section (2) on the application of any person, it shall record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such copy."

7.2. Section 6 of the Passports Act, which deals with refusal of passports and travel documents, in so far as it is material, provides:

"**6. Refusal of passports, travel documents, etc**.-

(1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—

(a) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;

(b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

(c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country;

(d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

(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:—

(a) that the applicant is not a citizen of India;

(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

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

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest."

7.3. Sections 7 and 8 of the Passports Act, which deal with duration and extension of passports, provide:

"7. Duration of travel document.-

A passport or travel document shall, unless revoked earlier, continue in force for such period as may be prescribed and different periods may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class:

Provided that a passport or travel document may be issued for a shorter period than the prescribed period-

(a) if the person by whom it is required so desires; or

(b) if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period.

8. Extension of period of passport.-

Where a passport is issued for a shorter period than the prescribed period under section 7, such shorter period shall, unless the passport authority for reasons to be recorded in writing otherwise determines, be extendable for a further period (which together with the shorter period shall not exceed the prescribed period) and the provisions of this Act shall apply to such extension as they apply to the issue thereof."

7.4. Section 9 of the Passports Act, which refers to the conditions and forms of passports, states:

"9. Conditions and forms of passports and travel documents.-

The conditions subject to which, and the form in which, a passport or travel document shall be issued or renewed shall be such as may be prescribed:

Provided that different conditions and different forms may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class:

Provided further that a passport or travel document may contain, in addition to the prescribed conditions, such other conditions as the passport authority may, with the previous approval of the Central Government, impose in any particular case."

7.5. Section 10 of the Passports Act, which confers power to impound or revoke a passport, in so far as it is relevant for the present matter, reads thus:

> "**10. Variation, impounding and revocation of passports and travel documents.-**
>
> …
>
> (3) The passport authority may impound or cause to be impounded or revoke a passport or travel document-
>
> (a) if the passport authority is satisfied that the holder of the passport or travel document is in wrongful possession of the same; or
>
> (b) if the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder or any other person on his behalf; or
>
> [Provided that if the holder of such passport obtains another passport the passport authority shall also impound or cause to be impounded or revoke such other passport]
>
> (c) if the passport authority deems it necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public;
>
> (d) if the holder of the passport or travel document has, at any time after the issue of the passport or travel document, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;
>
> (e) if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel document are pending before a criminal court in India;
>
> (f) if any of the conditions of the passport or travel document has been contravened;
>
> (g) if the holder of the passport or travel document has failed to comply with a notice under sub-section (1) requiring him to deliver up the same;
>
> (h) if it is brought to the notice of the passport authority that a warrant or summons for the appearance, or a warrant for the arrest, of the

holder of the passport or travel document has been issued by a court under any law for the time being in force or if an order prohibiting the departure from India of the holder of the passport or other travel document has been made by any such court and the passport authority is satisfied that a warrant or summons has been so issued or an order has been so made."

7.6. Section 22 of the Passports Act empowers the Central Government to grant exemptions. It provides:

"**22. Power to exempt.-**

Where the Central Government is of 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."

7.7. Rule 12 of the Passport Rules, which prescribes the period for which an ordinary passport remains in force, stipulates, to the extent relevant, that an ordinary passport shall, unless otherwise ordered and subject to the provisions of the Passports Act, be in force for a period of ten years from the date of its issue and shall not be issued for a period beyond ten years.

7.8. In exercise of the power under Section 22 of the Passports Act, the Central Government issued notification GSR 570(E) dated 25.08.1993. By this notification, 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 were exempted from the operation of Section 6(2)(f), subject to conditions. The notification, inter alia, provides that:

"(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;

(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 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."

7.9. The Ministry of External Affairs thereafter issued the OM dated 10.10.2019 (No. VI/401/1/5/2019). By this Office Memorandum, all Passport Authorities were directed to apply GSR 570(E) strictly in cases where criminal proceedings are pending, to insist on an undertaking in terms of the notification, and to treat a "no objection certificate" or permission granted by a criminal court as prevailing over an adverse police report, while keeping in view that in cases covered by Section 6(2)(f) the passport is

ordinarily to be issued for a shorter period, consistent with the scheme of the Passports Act and the Passport Rules.

8. From a conjoint reading of Sections 5, 6, 7 and 8 of the Passports Act, a structured scheme emerges. Section 5 is the starting point. It prescribes the manner in which an application for a passport is to be made and requires the passport authority, subject to the other provisions of the Act, to decide the application by issuing or refusing the passport through a written order. Section 6 qualifies that power and sets out, in an exhaustive manner, the grounds on which the passport authority shall refuse to issue a passport or travel document. Sub-section (1) deals with refusal of endorsements for particular countries. Sub-section (2) governs refusal of issue itself and again begins with the words "subject to the other provisions of this Act". It obliges the authority to refuse issue where any of the situations in clauses (a) to (i) are present, including the pendency of criminal proceedings before a court in India under clause (f). Section 7 then addresses the duration of a passport. It provides that a passport shall continue in force for such period as may be prescribed, but also permits the authority, for reasons to be communicated in writing to the applicant, to issue a passport for a shorter period in an appropriate case. Section 8 deals with the converse situation where a passport has already been issued for a shorter period. It permits extension of such a passport, but expressly states that the provisions of the Act shall apply to such extension as they apply to the issue of the passport, thereby linking an extension back to the same statutory conditions and limitations that govern original issue under Sections 5 and 6.

9. Sections 9, 10 and 22 reinforce and complete this framework. Section 9 enables the Central Government, by rules, to prescribe the conditions subject to which and the form in which a passport shall be issued or renewed. It also permits, with prior approval of the Central Government, the imposition of case-specific conditions in addition to the prescribed ones. Section 10 operates at a later stage and deals with the life of a passport after it has been issued. It empowers the passport authority, in defined situations, to require production of the passport and to impound or revoke it. One such situation, under Section 10(3)(e), is

where proceedings in respect of an offence alleged to have been committed by the holder are pending before a criminal court in India. Section 22 then confers on the Central Government the power, where it considers it necessary or expedient in the public interest, to exempt any person or class of persons from the operation of specified provisions of the Act or the Rules, subject to conditions. It is in exercise of this power that GSR 570(E) was issued, creating a controlled exemption from the bar in Section 6(2)(f) in favour of persons facing criminal proceedings who obtain permission from the concerned court and comply with the conditions set out in that notification.

10. On a plain reading, GSR 570(E) does two things. First, it recognises that persons facing criminal proceedings are not to be treated as absolutely disentitled to a passport. Instead, it permits such persons to obtain a passport, notwithstanding Section 6(2)(f), where the concerned criminal court has applied its mind and passed an order in relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required. Secondly, it structures the exercise of that exemption by tying the validity and use of the passport to the terms of the court's order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases. What the notification does not do is to create a new substantive bar beyond Section 6(2)(f), or to insist that the criminal court must, in every case, grant a prior blanket permission to "depart from India" for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport.

11. The OM dated 10.10.2019 does not create a new regime. It reiterates that GSR 570(E) must be "strictly applied", explains the procedure where criminal cases are pending and makes it clear that a "no objection certificate" or permission from the criminal court, read with the applicant's undertaking, may override an adverse police report with reasons recorded by the Passport Officer. It also contemplates situations where more than one court is

dealing with the matter and indicates that the orders of all such courts are to be read together. The OM is thus an administrative restatement of the position under Section 6(2)(f), Section 22 and GSR 570(E), and cannot add to or cut down the exemption which the notification itself grants.

12. Proceeding on the same assumption as the Calcutta High Court, we are prepared to treat re-issue of an expired ordinary passport as referable to Section 5 and subject to Section 6(2)(f). Even on that footing, the question is whether the embargo under Section 6(2)(f) remained absolute in the appellant's case, or stood relaxed by virtue of the orders passed by the Delhi High Court and the NIA Court, Ranchi, which brought him within the exempted class recognised in GSR 570(E). In our view, once the criminal courts, with full knowledge of the pending proceedings, consciously allowed renewal subject to the condition that the appellant shall not travel abroad without their permission and, in the case of the NIA Court, required redeposit of the renewed passport, the underlying concern of Section 6(2)(f) stood adequately addressed under judicial supervision.

13. The Calcutta High Court has treated Section 6(2)(f) as an unyielding bar so long as any criminal proceeding is pending, unless the criminal court simultaneously authorises a specific foreign trip for a defined period. That reading unduly narrows the effect of GSR 570(E). Nothing in the Passports Act requires the criminal court to convert every permission into a one-time licence to undertake a particular journey. The statute equally permits the court to allow renewal of the passport while retaining complete control over each instance of foreign travel by insisting on its prior leave, as both courts have done in the present case.

14. We are also unable to agree with the view that the appellant could not fall within GSR 570(E) because the NIA Court did not itself mention “ten years” in its order. The appellant's application before that court specifically sought renewal for ten years. The NIA Court granted no objection for renewal, released the passport for that limited purpose, directed redeposit after renewal and prohibited the appellant from obtaining any visa or travelling abroad

without its permission. The Delhi High Court, dealing with the conviction in the CBI case, then expressly held that there was no basis to deny renewal "for a regular period of ten years" and granted permission accordingly, while continuing the condition that the appellant shall not leave the country without its permission. Read together, in the manner envisaged by the OM dated 10.10.2019, these orders supply both the requisite judicial permission and a clear indication of the period of validity. In such circumstances, the Passport Authority and the Calcutta High Court were not justified in treating Section 6(2)(f) as continuing to operate in full force so as to deny renewal altogether.

15. The reasoning of the learned Single Judge proceeds on the basis that, once Section 6(2)(f) is attracted, renewal of a passport is virtually ruled out unless the criminal court, at the same time, permits a particular foreign trip for a specified duration. With respect, this approach overlooks two features of the statutory scheme. First, Section 6(2)(f) is a ground for refusal at the stage of issue or re-issue, but it is expressly made subject to "the other provisions" of the Act, which include Section 22 and the exemption carved out through GSR 570(E). Second, GSR 570(E) does not compel the criminal court to authorise a particular journey. It proceeds on the broader premise that where the criminal court permits the applicant to depart from India and the period of validity can be anchored either in the court's order or in the default periods mentioned in the notification, the embargo in Section 6(2)(f) stands lifted to that extent. In the present case, both criminal courts have adopted a different but equally legitimate method of control by allowing renewal while reserving to themselves the power to regulate each instance of foreign travel. That method satisfies the statutory concern of securing the accused's presence as effectively as, if not more effectively than, a one-time permission for a single trip.

16. The respondents and the Calcutta High Court have also treated the expression "permission to depart from India" in GSR 570(E) as if it necessarily refers only to a concrete permission for an immediately proposed journey. We do not read the notification in so narrow a manner. Where, as here, the conditions of bail already stipulate that the

appellant shall not leave the country without prior permission of the court concerned, and the same court then grants no objection to renewal of the passport without relaxing that condition, the requirement that departure from India shall be subject to judicial permission is built into the very terms of the exemption. The passport authority is not required, at the renewal stage, to demand a schedule of future journeys or visas which may not yet exist. Its task is to see whether, despite pending proceedings, the criminal courts have chosen to keep the possibility of travel open under their supervision. Once that position is clear, GSR 570(E) applies and the bar under Section 6(2)(f) cannot be invoked to refuse renewal altogether.

17. We are also unable to endorse the characterisation by the Division Bench that entertaining the appellant's writ petition would convert the High Court into an "executing court" for the orders of the Delhi High Court and the NIA Court, Ranchi. The writ petition did not seek execution of those orders as such. It sought enforcement of a statutory obligation cast on the passport authority, read with the exemption notification that forms part of the legal regime under the Passports Act. The criminal court orders were relevant facts which determined whether the appellant fell within the exempted category under GSR 570(E). To direct the passport authority to give effect to that exemption is to ensure compliance with the statute and the notification, not to execute the criminal court's orders.

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 an accused "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:

> *"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.

20. It must also be noted that denial of renewal of a passport does not operate in a vacuum. This Court has repeatedly held in a catena of judgments[6] that the right to travel abroad and the right to hold a passport are facets of the right to personal liberty under Article 21 of the Constitution of India. Any restriction on that right must be fair, just and reasonable, and must bear a rational nexus with a legitimate purpose.

21. The legitimate purpose behind Section 6(2)(f) and Section 10(3)(e) is to ensure that a person facing criminal proceedings remains amenable to the jurisdiction of the criminal court. That purpose is fully served in the present case by the conditions imposed by the NIA Court, Ranchi, and the Delhi High Court, which require the appellant to seek prior permission before any foreign travel and, in the NIA case, to re-deposit the passport immediately after renewal. To add to these safeguards an indefinite denial of

even a renewed passport, when both criminal courts have consciously permitted renewal, would be a disproportionate and unreasonable restriction on the appellant's liberty.

22. It is important to keep distinct the possession of a valid passport and the act of travelling abroad. A passport is a civil document that enables its holder to seek a visa and, subject to other laws and orders, to cross international borders. Whether a person who is on bail or facing trial may actually leave the country is a matter for the criminal court, which can grant or withhold permission, impose conditions, insist on undertakings, or refuse leave altogether. In the present case, both criminal courts have done exactly that. To refuse renewal on the speculative apprehension that the appellant might misuse the passport is, in effect, to second-guess the criminal courts' assessment of risk and to assume for the passport authority a supervisory role which the statute does not envisage.

23. The reliance placed by the respondents and the Calcutta High Court on the fact that the application for re-issue was made after the original passport had expired is also misplaced. The Passports Act contemplates passports that "continue in force" for a prescribed period. It does not create a separate disability for applicants whose earlier passports have lapsed. Re-issue after expiry is a routine occurrence. The only relevant question remains whether any of the statutory grounds of refusal under Section 6(2) continue to apply in the face of an exemption granted under Section 22 by way of GSR 570(E). For the reasons already discussed, we are of the clear view that they do not in the present case.

24. Finally, even on the respondents' own reading of GSR 570(E), the consequence of an order which does not specify a longer period of validity is that the passport should be issued for a shorter duration, usually one year, and not that renewal must be refused altogether. The learned Single Judge and the Division Bench did not examine this aspect, because they proceeded on the premise that the appellant stood outside the exemption altogether. Once it is recognised that the appellant is within the exempted class, the correct question for the passport authority is the

appropriate period of validity in the facts of the case, not whether any renewal is permissible at all. In the present matter, given that the Delhi High Court has expressly authorised renewal for ten years and the NIA Court has imposed stringent conditions including redeposit and prior permission for travel, we see no justification to curtail the normal period of validity.

25. In the light of the above discussion, we are unable to sustain the approach adopted by the learned Single Judge and the Division Bench. Both have treated Section 6(2)(f) as an absolute bar so long as any criminal proceeding is pending, without giving full effect to the statutory exemption mechanism under Section 22 and GSR 570(E), and without adequately appreciating that the criminal courts actually dealing with the appellant's cases have consciously permitted renewal while retaining stringent control over any foreign travel. They have, in effect, converted a qualified restriction, designed to secure the presence of an accused, into a near-permanent disability to hold a valid passport, even where the criminal courts themselves do not consider such a disability necessary.

26. We clarify that our conclusions are confined to the legal interplay between Sections 5, 6, 7, 8, 9, 10 and 22 of the Passports Act, GSR 570(E) and the OM dated 10.10.2019, on the facts of the present case. We express no opinion on the merits of the criminal proceedings pending before the NIA Court, Ranchi, or on the appeal pending before the Delhi High Court, nor do we dilute in any manner the power of those courts to vary, strengthen or relax the conditions of bail, including conditions relating to travel abroad, in accordance with law.

27. It is needless to observe that nothing in this judgment curtails the powers of the passport authority under Section 10 of the Passports Act. If any future order of a competent court, or any subsequent development, requires impounding or revocation of the appellant's passport, it shall be open to the authority to act in accordance with Section 10 and other applicable provisions. Equally, if the appellant violates any condition imposed by the NIA Court, Ranchi, or the Delhi High Court, it will be open to those courts to take such

steps, including modification of bail and recall of permissions, as may be warranted.

28. In the result, the appeal is allowed.

29. The judgment and order dated 04.04.2025 passed by the Division Bench of the High Court at Calcutta in APOT No. 215 of 2024, as well as the judgment and order dated 15.05.2024 passed by the learned Single Judge in WPO No. 352 of 2024, are set aside.

30. The respondents are directed to re-issue an ordinary passport to the appellant for the normal period of ten years from the date of issue, subject to compliance with the usual procedural requirements, within a period of four weeks from the date of production of a copy of this judgment before the RPO, Kolkata. The passport so issued shall remain subject to all existing and future orders passed by the NIA Court, Ranchi, and the Delhi High Court, including, in particular, the conditions that the appellant shall not leave India without prior permission of the court concerned and shall deposit the passport in that court as and when so directed.

31. All pending interlocutory applications stand disposed of."

The Apex Court holds that the pendency of proceedings or 6(2)(f) of the Passports Act cannot create an impediment or an absolute bar so long as any criminal proceedings pending without giving full effect to the statutory exemption.

8. The issue in the *lis* projects the same circumstance of the petitioner being accused No.1 in the aforesaid proceedings. In that light, the petition deserves to succeed.

9. For the aforesaid reasons, the following:

ORDER

(i) The criminal petition is ***allowed***.

(ii) The impugned order dated 10.02.2026 in C.C.No.36683/2021 on the file of XI Additional Chief Judicial Magistrate, Benglauru stand quashed.

(iii) A mandamus issues to the respondent/authority to consider grant of renewal of his passport bearing in mind the observations made in the course of the order and in accordance with law.

Sd/-
(M.NAGAPRASANNA)
JUDGE

JY
List No.: 1 Sl No.: 48