

IN THE COURT OF SESSION FOR GREATER BOMBAY AT MUMBAI**ORDER BELOW EXH.92**

IN

SPL. CASE NO.874/2023

(CNR No.: MHCC02-004803-2023)

Chanda Deepak Kochhar

...Applicant/accused

V/s

Central Bureau of Investigation
(BS & FB)

....Respondent.

**CORAM: Dr.J.P. DAREKAR
SPECIAL JUDGE (CBI)
(COURT ROOM NO.51)****DATED: 18.08.2025.***Ld. Adv. Mr. Rahul Aggarwal for applicant/accused.**Ld. PP Mr. Vikram Singh for CBI.***ORAL ORDER**

1. This is an application filed by the applicant/accused to renew her passport for a period of 10 years.

2. It is submitted that, the applicant has been arraigned as an accused in this case for commission of offence punishable u/s. 409, 420 r/w.120B of Indian Penal Code (IPC) and Sec.7,11 and 13(2) r/w. 13(1) (c)(d) of Prevention of Corruption Act (PC Act). The applicant was released on bail by the Hon'ble Bombay High Court vide order dated 9.1.2023 and in another case filed by Enforcement Directorate(ED) the applicant has been released on bail vide order dated 12.2.2021, by the Hon'ble Special Court for PMLA, subject to certain terms and conditions. One of the conditions was, to surrender her passport to the ED immediately. Accordingly, the applicant has complied with the said condition. The passport of the applicant is in the custody of ED. The

passport of the applicant is expired in the month of February 2024 i.e. 17.2.2024. The applicant has approached this court for issuance of fresh passport for a period of 10 years. Considering serious and grave charge levelled against the applicant, My Ld. Predecessor vide Order dated 11/07/2024 has partly allowed the application permitting the Passport Authority to issue her passport for a period of one year subject to conditions. Now, the passport will expire on 09th December 2025 and she seeks to renew her passport for a period of 10 years, for which, the No objection of the court is required. Hence, this application.

3. CBI has filed say on the application at Exh.92/A opposing the application on the ground that applicant had committed an economic offence which shattered the very foundation of the public trust in banks and had enormous social repercussions. Moreover, it is the prerogative of the Passport Authority to renew the passport of the accused/applicant for the time permitted under the relevant laws. Charges in the case are not yet framed. Hence, the application may be rejected.

4. Heard both sides. Ld. Advocate Mr. Rahul Aggarwal for the applicant and Ld. PP Mr. Vikram Singh for CBI have submitted as per their respective contentions.

5. It is the admitted fact that the FIR (RCBD1/2019/E0001 was registered by CBI against Videocon International Electronics Limited (Accused No.1), Applicant Chanda Kochhar (accused no.4) and her husband Deepak Virendra Kochhar (Accused No.5) and other co-accused for offence punishable u/s.120B r/w. 409, 420 of IPC and Sec.7, 11, 12 and 13(2) r/w.13(1)(c)&(d) of P.C. Act,1988 and

substantive offences thereof. In connection with this offence, the Hon'ble Bombay High Court had released the applicant/accused Chanda Kocchar on bail, vide order dated 9.1.2023. The order reads as under:-

1. *The petitioner- Chanda Kochhar and Deepak Kochhar be released on cash bail in the sum of Rs.1,00,000/- each, for a period of two weeks;*
2. *The petitioners shall within the said period of two weeks, furnish PR Bond in the sum of Rs.1,00,000/- each, with one or more sureties in the like amount, to the satisfaction of the Special Judge, CBI;*
3. *The petitioners shall co-operate in the investigation conducted by the Respondent No.1- CBI and shall attend the office of the Respondent No.1- CBI, as and when summoned;*
4. *The petitioners shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.*

6. Thereafter, charge-sheet came to be filed against the accused. Pursuant to the order of issue process dated 12.7.2023, the accused appeared in this case and filed pursis stating that, the Hon'ble High Court was pleased to grant bail on the terms and conditions set out therein. As per order dated 2.8.2023, pursis and copy of Judgment of the Hon'ble Bombay High Court in Writ Petition (Stamp) No.22494/2022 were taken on record. The applicant/accused was directed to execute fresh PR Bond of the same amount.

7. Thereafter, it was brought to the notice of this Court that W.P. 378/2023 with W.P. 377/2023 that interim applications were finally heard by the Hon'ble Bombay High Court and the Hon'ble Division Bench of the Hon'ble Bombay High Court has confirmed the interim bail granted vide order dated 9.1.2023. Thereafter, earlier PR and SB bond

furnished by the applicant/accused was continued till conclusion of the trial.

8. Another case before this Court of the same accused is filed by the Enforcement Directorate for the offence u/s. 3 r/w.70, punishable u/s.4 of the Prevention of Money Laundering Act, 2002 (PMLA) (PMLA Case No. 915/2020). In this case, accused Chanda Kocchar was released on bail by the Hon'ble Addl. Sessions Judge, vide order dated 12.2.2021 (Exh.10). As per the said order, the applicant was directed to surrender her passport to the E.D. immediately. As per copy of passport, date of issuance was 18.02.2014 and its date of expiry is 17.02.2024. The passport which was submitted with the ED has been expired. There is no valid passport in the name of the applicant/accused Chanda Kocchar. Therefore, Applicant has filed application for fresh passport for a period of 10 years before this court. My Ld. Predecessor has partly allowed the application by directing the Passport Authority to issue her passport for a period of one year subject to conditions. Now, the passport will expire soon on 09th December 2025.

9. The present application is necessary to be dealt under the provisions of Passport Act 1967. As per Section 6(2) (f) it is provided as under :

“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 92) of Section 5 on any one or more of the following grounds, and on no other ground, namely:-.

(F) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a

Criminal Court in India.”

10. As per Schedule 3, attached to the Passport Rules, 1980, as per the proforma for application of passport, it is mentioned vide entry No. 17 B- 17 C as under :

“17 B- Are any criminal proceedings pending against you before a Court in India ? If so, give name of Court, case number and relevant sections of Law.

17 C- If answer at (b) is (Y)es, please furnish No Objection Certificate from competent Court for grant of Passport.”

11. On going through the above mentioned legal provisions, it is crystal clear that competent Court before whom criminal proceeding is pending against the applicant, is to consider the issuance/non issuance of No Objection Certificate.

12. In this regard Hon'ble Bombay High Court in the case of **Deepak Dwarkasing Chhabria Vs. Union Of India(1996 LawSuit (Bom) 362)** has held that :

“In view of the aforesaid notifications issued by the Central Government, it is clear that the citizens against whom criminal cases are pending are made exempt from the operation of section 6(2)(f), provided they produce orders from the concerned Court permitting them to travel abroad subject to the terms and conditions mentioned in the notifications. In other words, an application for passport is not liable to be refused on the ground of pendency of criminal case if the applicant obtains permission from the concerned criminal Court for traveling outside India.”

13. Hence, the relevant consideration *qua* the application is the issuance/non issuance of the No Objection Certificate. As per the case,

while granting bail to the accused, certain conditions were imposed on her. She has complied with the conditions of the bail order. There is no record put forth by the prosecution to show that the applicant/accused has committed breach of the conditions, in the bail order. It is not the case of prosecution that the applicant/accused has absconded. The applicant is permanent resident of Mumbai. It is further submitted that she has roots in society and would co-operate in progress of case. There is no record that the applicant/accused has misused the liberty or has committed breach of Court order by its non-compliance. Further, considering the stage of the case and antecedents, the applicant has made out a case for issuance/renewal of passport.

14. The prayer for permitting the renewal of passport for a period 10 years is concerned, on this point, in the case of **Narendra K. Ambwani Vs. Union of India and Ors, (2014 Law Suit (Bom) 496)**, it is observed by the Hon'ble Bombay High Court that :

“Accordingly, we issue the following directions:-

a. In all cases where the Magistrate's Court directs renewal of the passports under the Rule, 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 at least ten years. The Regional Passport Office shall renew the passports of such qualifying applicants at least 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 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."

15. In the case of **Deepak Dwarkasingh Chhabria Vs. Union Of India and Ors.**, cited *supra*, it is observed by the Hon'ble Bombay High Court that : -

" Accordingly, it is directed that in all cases covered by Section 6(2) (f), the passport authority shall forthwith inform the applicant about his right to apply to the concerned Criminal Court for permission to travel abroad in terms of the notification dated 25th August, 1993. In case the applicant demands a copy of the notification, same shall be supplied by the passport authority subject to payment of charges. Needless to mention that it will be open for the applicant to approach the criminal Court, where criminal case against him is pending, for permission to travel out of India. Even if he has not received summons from the criminal Court, it will be open for the applicant to apply to that Court for a limited purpose of issuing the necessary orders for grant and/or renewal of passport. Considering the fact that the matter involved the fundamental right of the applicant, the concerned Court shall decided such application as expeditiously as possible and preferably within four weeks from the date of receipt of such application, after notice to the prosecution. In case the criminal Court passes an order for issuance of passport to the applicant subject to the terms and conditions mentioned in the notification but without making any endorsement on the passport about the pending criminal case."

16. Hon'ble Bombay High Court in the case of **Roshan Lawrence Menezes Vs. Union of India and Ors.**, decided on 7th August,

2020 has held that :

“Our Court appears to have essentially proceeded on the footing that by allowing renewal as per the Act and Rules framed thereunder, the criminal Court, in effect, allows renewal of passport for a period of 10 years (Rule 12 of Passports Rules, 1980). If, on the other hand, the Magistrate, whilst issuing his NOC, issues a direction that the passport should be issued or renewed as per the notification of 25 August, 1993 and the order does not specify any particular period for such issuance or renewal, the passport it, in default, liable to be renewed for a period of one year.”

17. In the case of **Capt. Amol Vasant Kelkar V/s. Union of India and ors. (Cr. Writ Petition No. 234 of 2020 @ Interim Application (St.) No. 4183 of 2021)**, decided on 8.3.2021, the Hon'ble Bombay High Court has held as under :-

“14. In this backdrop, when the submissions advanced on behalf of respondent Nos.1 and 2 are considered and judgments on which learned counsel for the petitioner has placed reliance are perused, it is found that the said cases, which came up for consideration before this court, the Magistrate had passed orders directing that the passport of the applicant be renewed as per the said Act and the Rules framed thereunder. It was found that under Rule 12 of the said Rules, the passport could be renewed for a period of 10 years. This court held in the said judgments that when the Magistrate passed such orders, the Passport Authorities could not limit the duration for which the passport was to be issued”.

18. As per the 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.

19. The Office Memorandum is issued by Government of India, Ministry of External Affairs, PSP Division, dated 10th October, 2019. Point No.3 of the said Memorandum reads as under:

“3. It may be noted that, applicants may be refused passport only on grounds mentioned under Section 6(2) of the Passports Act, 1967. Section 6(2)(f) of the Act states that the passport authority shall refuse to issue a passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. GSR 570(E) dated 25.8.1993 was introduced to give relief to such applicants against whom criminal proceedings are pending before any Court of law in India but who may need to travel abroad for some urgent business. With an undertaking under GSR 570(E) and an order from the Court, an applicant could be issued a short validity passport of one year validity or for the period specified by the Court.”

20. In a nutshell, after noting the law on the point, it is to be mentioned that, under GSR 570(E), the short period of validity of a passport can be fixed. The apprehension of prosecution is necessary to be considered as it is not proper to brush aside the caution expressed by the prosecution. The charges against the accused are serious and grave. On going through the case law cited supra, the principle of law laid down therein are binding on the Passport Authority and directions to the effect can be given in the operative order. Considering the seriousness of economic offence and fraud committed by accused, his antecedents and entire discussion, the applicant/accused has made out a case for issuance of ‘no objection’ to apply for renewal of passport for a period of one year, so as to secure the presence of the accused for the pending case. Resultantly, the following order :

ORDER

- 1] Application at Exh.92 in CBI Special Case No.874/2023 is hereby partly allowed.
- 2] This Court has No Objection to renew the passport of the applicant namely Chanda Kochhar in accordance with The Passport Act and Rules framed thereunder, for a period of 1 (One) Year.
- 3] Applicant shall not leave the India without prior permission of this Court.
- 4] The applicant/accused shall submit the renewed passport to the Enforcement Directorate, vide bail order dated 12/02/2021, immediately after issuance of the passport by the Passport Authority.
- 5] Applicant to submit the colour copy of entire renewed passport to the CBI forthwith.
- 6] All the conditions of bail application shall remain intact.

(Application stands disposed of accordingly)



(Dr. J.P. Darekar)

The Special Judge (C.R.51)

Gr. Bombay

18/08/2025.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

Date- 26/08/2025 at 6.00 pm
 UPLOAD DATE AND TIME

(Smt. S.U. Manjrekar)
 Stenographer(Gr.1)

Name of the Judge (With Court room no.)	H.H.J. Smt. J. P Darekar (C.R. No. 51)
Date of Pronouncement of JUDGMENT/ ORDER	18/08/2025
JUDGMENT/ORDER signed by P.O. on	22/08/2025
JUDGMENT/ORDER uploaded on	26/08/2025