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14

**EXH. 7**

**IN THE COURT OF HON'BLE SESSIONS JUDGE,  
AT : RAJKOT.**

**Criminal Misc. Application (for Renewal of passport)**

**No.2199/2026.**

**Applicant.**

**Sureshbhai Keshavjibhai Santoki,**  
R/o.Flat No.1801, "B" Wing,  
Silver Height,  
Nana Mava Circle,  
150 Feet Ring Road,  
Rajkot.

**VERSUS**

**Opponent:**

**The State of Gujarat.**

Appearance:-

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Mr.J. B. Sanghvi, Ld. Adv. for the applicant.

Mr.K. B. Dodiya, Ld. A. P.P. for the opponent – State.  
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**An application for renewal of passport condition.**

**:: J U D G M E N T ::**

- 1] By way of filing the present application, the applicant herein sought to get his original passport, for the renewal purpose, which is deposited as per order passed by the Hon'ble High Court of Gujarat in **Cr.M.A. No.22579/2023 on 19/12/2023.**
- 2] On being served with the process, the Learned APP appeared for the State. The Investigating Officer has submitted his report at **Exh.6.**
- 3] The Learned Advocate for the applicant has submitted that, as per the order of the Hon'ble High Court of Gujarat, the applicant has deposited his Passport No.Z3904029 before the Trial Court. He has submitted that, the period of applicant's passport will expire on 27/10/2026 and for the renewal purpose, the applicant requires his passport. Hence, he has prayed to allow the present application.
- 4] Per contra, Learned A.P.P. Mr. K. B. Dodiya for the opponent State has submitted that, instead of original passport, Xerox certified copy of the original passport deposited in the court can be given to the applicant so that the applicant can carry out necessary procedure for the renewal of his passport.
- 5] Having heard the learned advocates for the respective parties and perused the copy of passport produced vide

Mark 3/1. From the perusal of passport No.Z3904029 it appears that, the passport was issued on 28/10/2016 and the validity of the said passport has expired on 27/10/2026, and therefore, it requires to be renewed. Since the passport has been deposited before the Trial Court, therefore, it would be in the interest of justice that the original passport should remain with the custody of Nazir, District Court, Rajkot. However, in the interest of justice, certified copy of the passport No.Z3904029 issued by the Nazir of District Court, Rajkot can be given to the applicant so that the applicant can take-up necessary procedure regarding the renewal of his passport.

- 6] Ld. Advocate for the applicant has submitted that, passport authority should be directed to renew the passport of the applicant for a period of 10 years. In support of his submission, he has relied upon the decision in the case of **Vipulbhai Chandulal Thakkar v/s. The Regional Passport Office in R/Special Civil Applicaiton No.3460 /2025 decided on 01/05/2025**. The Hon'ble High Court of Gujarat has observed in para- 6, 7, 8 & 9 thus :-

6. *The GSR Notification 570(E) dated 25.08.1993 reads as under:- "G.S.R 570 (E)-In exercise of the powers conferred by clause (a) of the Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom*

*proceedings in respect of an offences 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 or 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 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 3 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. Clause (ii) thereof states that if there is no period specified in the order passed by the Trial Court for issuance of passport, the passport shall be issued for a period of 1 year. The said Notification also specifies in Clause (i) that if the Court specifies the period for which the passport has to be issued, then the passport shall be issued for such a specified period.*

*8. The Division Bench of the Bombay High Court in writ petition No.361 of 2014 dated 13.03.2014 has held thus:-*

*"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 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.*

12. *For avoidance of doubt, we clarify that the guidelines set out herein will be applicable only in the cases where the learned Magistrate ordered renewal of the passports as per Passport Rules, 1980 and to no other. In other cases, where the learned Magistrate had granted*

*permission to the accused persons to depart from India, the provisions of Section 6(2)(f) of the Passports Act, 1967 and the Notification(s) issued thereunder from time to time by the Ministry of External Affairs or such other competent authority so empowered, will continue to apply and directions permitting the accused persons to depart from India and/or the orders permitting renewal of the passports of such accused persons shall continue to be governed by such Notification(s).*

9. *Though the said decision is not binding on this Court, it has certainly a persuasive value. In the considered opinion of this Court, the ratio of the said judgment squarely applies in the facts and circumstances of the present case. The Central Government has issued a Notification by exercising powers vested in it under Section 6(2)(f) of the Passport Act, 1967 being GSR Notification 570(E) dated 25.08.1993. There being an ambiguity under the provisions of the Act, the Rules and the GSR Notification 570(E) dated 25.08.1993 issued by the passport authority, the Division Bench of the Bombay High Court has clarified the said ambiguity in case of Narendra K. Ambwani (supra). This Court is also of the considered opinion that the passport authorities do not have any authority to decide whether the accused has a right to travel abroad and such authority is only vested in the Trial Court which can impose conditions if an application is made seeking permission to travel abroad. This Court is of the considered opinion that the directions issued by the Bombay High Court are binding upon the passport authorities to renew the passport for a period of 10 years as per the Act and the Rules.*

7] In view of the GSR Notification No.570(E) dated 25/08/1993 and the ratio laid down by the Hon'ble High Court of Gujarat, the following final order is passed.

**:: O R D E R ::**

- 1] The Criminal Misc. Application No.2199/2026 is hereby rejected.
- 2] The prayer regarding release of original passport for renewal of her passport is rejected. Nazir, District Court, Rajkot is hereby directed to issue certified copy of the **passport No.Z3904029** to the applicant for renewal purpose only.
- 3] The Passport Authority to consider the certified copy given by the court in order to make necessary procedure for the renewal of passport of the applicant.
- 4] The Passport Authority is directed to renew the passport of the applicant for a period of 10 years. However, it is clarified that if the applicant has to undertake any travel abroad, he will have to make appropriate application seeking permission to travel abroad, which shall be decided on merits of the case.
- 5] The applicant is directed that, on renewal of the passport the applicant shall redeposit the same before the concerned Court within 02 working days from the date of renewal of passport.

6] Yadi of this order be sent to the all concerned including Passport Authority for knowledge, information and compliance.

Pronounced in open court today on this 14<sup>th</sup> day of July,2026.

Place : Rajkot.  
Date : 14.07.2026.

**( Jitendra Rameshchandra Shah )**  
**Sessions Judge,**  
**RAJ KOT**  
**Code No.GJ01044**

EA.MNG.