



**IN THE COURT OF THE II ADDITIONAL DISTRICT &
SESSIONS JUDGE, UDUPI**

Present

Sri.A.SAMIULLA. B.Sc, LL.B.,

**II Additional District & Sessions Judge,
Udupi**

Dated: 30th day of May, 2026

SC.No.37 of 2018

Between:

Sri.Mohammed Athif @ Athif,
S/o Abdul Khader,
Age; 29 years,
R/at No.3-16-7, Kapi Kadu House,
Jumma Masjid Road, Mulooru,
Udupi Taluk.

**..... Accused-7
(By Sri.MKS)**

Versus

The State,
r/by Public Prosecutor,
Hiriyadka Police Station.
Udupi.

**..... Respondent
(Learned PP)**

O R D E R

The accused-7 filed the application seeking
permission to renew his passport bearing
No.P3512875.



2. The State resisted the application by filing a statement of objections.

3. Heard both side; Perused records.

4. Following point arises for consideration:

Whether accused-7 has made out a case to allow the application as prayed?

5. Answer is **Yes**; for the following;

REASONS

6. The accused-7, along with others, has been charge sheeted by the Hiriyaadka Police for offences under Sections 364A, 120B, 395 of the IPC. Since the accused persons denied the charges, the matter was put to trial and is currently posted for the recording of evidence.

7. At this stage, the accused-7 has preferred the present application seeking the relief stated *supra*. The applicant states that he is presently employed in Saudi Arabia, working as an HR Assistant at Saudi



Arabian Saipem Ltd., from 01.10.2022. He is a holder of an Indian passport bearing No.P3512875 issued on 21.07.2016, which is due to expire on 20.07.2026. An initiation request for police verification has already been received by the jurisdictional Kaup Police Station. The timely renewal of the passport is mandatory for the continuation of his lawful employment abroad. The accused submits that, except for the present case, no other criminal case is pending against him before this Court or any other Court in India. This Court permitted him to travel abroad for his livelihood with condition on 16.08.2023. He has strictly complied with all conditions imposed therein & has always cooperated by appearing before this Court as and when directed. He undertakes that he will not misuse the liberty



granted by this Court. Furthermore, he undertakes to furnish the details of his renewed passport and his overseas address before this Court.

8. The State has opposed the application, contending that it is not maintainable either in law or on facts. Under Section 6(2)(f) of the Passport Act, it is the sole prerogative of the passport authority to decide on the issuance or renewal of a passport. Since a criminal case is pending against the applicant, the passport cannot be renewed as a matter of right. The State further submits that if the passport is renewed, there is a strong probability that the accused will not appear before the Court, which would hamper the trial. It is impermissible to direct the passport authority to renew the passport, and the State prays for the rejection of the application.



9. The accused-7 filed copy of passport, which was issued on 21.07.2016 and its due date is 20.07.2026. Also produced copy of the mail regarding initiation of Police Verification Requests for Passport Application File No.SB2075954224826 moved by the applicant referred to the Kaup Police.

10. As per Government Notification No.GSR570(E) regarding issuance of passports to applicants who have criminal proceedings pending against them, wherein it is stated that *a passport can be renewed for a person with a pending criminal case provided “no objection certificate” issued by the Court where the matter is pending.*

The accused-7 relied on a decision reported in **2025 LiveLaw (SC) 1238**, Mahesh Kumar Agarwal Vs. Union of India, wherein it is held that *pendency of*



a criminal case is not an absolute bar to the renewal of a passport if the concerned criminal Courts have granted no objection or permission for such renewal.

11. Therefore, having regard to the facts and circumstances of the case, the contents of the relevant notification, and the law laid down by the Hon'ble Apex Court, the application filed by the accused-7 seeking permission for the renewal of his passport is well-founded & deserves consideration. Accordingly, the point for determination is answered in the affirmative. The Court proceeds to pass the following;

ORDER

The application filed by the accused-7 seeking permission to renew his passport is allowed.



Consequently, the accused-7 is permitted to get
renew his passport in accordance with law.

(Dictated to the Stenographer directly on computer, typed by her,
corrected and initialed by me and then pronounced in the open Court on
30.05.2026).

(A.Samiulla)
II Addl. District & Sessions Judge,
Udupi.