

KAYG010006102020



1

Spl.C.No. 51/2020

**IN THE COURT OF THE PRL. DISTRICT AND SESSIONS
JUDGE, YADGIR**

Dated this the **25th day of November, 2025**

PRESENT

Sri.Marulasiddaradhya H.J.

B.A, LL.B.,LL.M

Prl. District and Sessions Judge,
Yadgir.

Spl.Case.No. 51/2020

Petitioner/Accused No.2:

Abdul Kareem
S/o M.A.Rouf,
Age: 35 years,
Occ: Business,
Ro: Madanapur Galli,
Yadgiri, Tq: & Dist: Yadgiri.

(By Sri.K.M.Akbar., Advocate)

Vs.

Respondent:

The State through Yadgir Rural
police station, Yadgir.

(By Public Prosecutor, Yadgir)

* * * * *

KAYG010006102020



2

Spl.C.No. 51/2020

**ORDERS ON APPLICATION FILED UNDER SEC.6(2)(F)
OF PASSPORT ACT.**

The application filed under Sec.6(2)(F) of Passport Act seeking direction of this court to the passport authority to issue passport as its orally instructed to him by the authority that he must obtain order of the accused to issue the passport for his movement outside the country to ear his livelihood.

2) The learned public prosecutor orally objected the application and prays to reject the same as not maintainable.

3) The learned defence counsel has relied upon judgment of the Hon'ble Delhi High Court passed in **Uday Ratra V/s Regional Passport Officer Delhi and another** wherein, the Hon'ble High Court held that *if the criminal proceeding or pending before the criminal court it shall be ground to refuse the passport. However by virtue of GSR (570) (E) the applicant on submission of no objection certificate from the where the proceeding are pending shall*

KAYG010006102020



3

Spl.C.No. 51/2020

be exempted from the operation of U/Sec.6(2)(F) of Passports Act.

4) Another judgment also relied upon by the learned defence counsel passed in **W.P. (C) 12597/2024 dated 01-10-2024 in Amardeep Singh Bedi V/s. Union of India and another** wherein, the Hon'ble High Court held that *denying issuance of passport due to court pending FIR even any conviction to constitute unreasonable restriction.*

5) Heard both sides, perused the grounds of the application, objection on record.

6) The following points arises for my consideration;

- 1)** Whether the application filed U/Sec.6(2)(F) of Passports Act deserves to be allowed?
- 2)** What order?

7) My findings on the above points are as under:

Point No.1 : In the **Negative.**

Point No.2 : As per final order;
for the following;



REASONS

8) Point No.1: The learned defence counsel contended that the passports authority refuse to issue the passport to the accused No.2 on the ground of this pending criminal case against him and instructed him to obtain order from the court.

9) It is material to note that the accused No.2 has neither produced the said application filed before the passport authority seeking issuance of passport for any purpose and any direction it. Even he has not produce any instruction or other of refusal to issue passport to him by the concern authorities.

10) The Hon'ble High Court in the judgment relied upon by the learned defence counsel in Uday Ratra's case observed that the criminal court can issue no objection certificate when the passport authority refused to issue passport and the provision of U/Sec.6(2)(F) of Passports Act would not apply against him.

KAYG010006102020



5

Spl.C.No. 51/2020

11) Accordingly, in the instant case in view of absence of producing any copy of passport application or instruction by the passport authority or order of refusal to issue the passport by authority, I am of the opinion that the accused No.2 has not made out ground to issue any permission to the passport authority as prayed by him.

12) Even this court can only issue no objection certificate on making out ground by accused No.2 that any instruction or order of refusal passed by the passport authority U/Sec.6(2)(F) of Passports Act. Hence, I answer point No.1 in the **Negative**.

13) Point No.2: In view of my findings on point No.1, I proceed to pass the following:

ORDER

The application filed U/Sec.6(2)(F) of
Passport Act, 1967 is hereby rejected.

(Dictated to the Stenographer Grade-III, directly on computer, corrected it, taken out print, signed and then pronounced by me in the open Court on this the **25th day of November, 2025**).

(Marulasiddaradhya H.J)
Prl. District and Sessions Judge,
Yadgir.