

5. **Point No. 1:-** In Mohamad Shafi v. Regional Passport Officer, 2017 (2) KHC 484, the Hon'ble High Court has discussed the power of the Criminal Courts to grant permission to issue passport pending a criminal trial in this decision.

6. It has been well settled by a plethora of cases that the pendency of a criminal proceeding is not a bar to obtaining a passport. It is for this purpose that through Section 22 of the Passports Act, 1964 and GSR 298(E) dated 14 April 1976, of the Government of the Ministry of External Affairs, the Criminal Courts are vested with the power to grant such permission by imposing adequate safeguards for securing the presence of accused for trial.

7. In these circumstances, I find that the petition can be allowed. This point is answered in favour of the petitioner. Considering that the case is of 2019 and the case has progressed into the evidence stage I find a validity of 2 years for the passport to be reasonable.

8. **Point No. 2:-** In light of the findings in point no. 1 the petition is allowed as follows:-

- a. *If the petitioner is otherwise entitled, this court has no objection to the Passport Authority issuing a passport to the petitioner due to the pendency of these cases. The passport so issued shall have validity for a period of two year from the date of issuance.*
- b. *The petitioner shall undertake to submit before the court the passport that is issued with a self-attested true copy of the passport within one week of issuance of the passport. The passport shall be returned after verification with the copy.*
- c. *The petitioner shall undertake in writing before the court that the petitioner shall not leave India without prior permission of this Court.*

9. In the result, the petition is allowed on the above mentioned conditions.

(Pronounced by me in the open Court on the 5th day of August, 2025).

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I