

ORDER BELOW EXH. 317

The present application has been filed by accused No. 06 namely, Nitin Sudhakar Purohit, for permission to renew the passport.

2) It is submitted that the case is pending against the present accused for the offence punishable U/Sec. 406, 408, 409, 420, 467, 471 r/w. 34 of the Indian Penal Code and U/Sec. 66 (D) of The Information Technology Act. The accused is renowned Chartered Accountant and respectable person in the society. He is having passport bearing No. Z8030818 and it will expire on 06/10/2025. The accused inclined to travel abroad more particularly, in U.K. and Shengen, for the period of 04 to 05 months in October, 2025. As per provisions of law and notifications, it is necessary for any person to seek permission from the Court to renew the passport and then apply for Visa as per respective countries. The Court is empowered to give directions to the Passport Authority to renew the passport for the period of 10 years. Unless and until, the passport is renew, the accused will not be able to refer an application for getting Visa for travel. Hence, the permission is required to renew his passport for 10 years. Hence, the application. An affidavit in support of the present application is filed below Exh. No. 318.

3) The Ld. APP objected the same by filing say below Exh. No. 319. He submitted that the offence against the present accused is

of serious nature and all the accused persons are required in the Court during trial. The present case is pending since last five years. If the permission is granted then there is possibility of his traveling abroad and thereby, remaining absent during trial in the Court. Hence, prayed for rejection.

4) Heard both the sides and perused the record. The Ld. Advocate for the present accused relied upon following authorities:-

a) *Nijal Navin Shah Vs. The State of Maharashtra (decided on 23/12/2022)*;

Held :- “Merely because the offense is pending against the accused, it is not sufficient to deny the right of the accused for renewal of the passport.”

b) *Narendra K. Ambwani Vs. Union Of India (decided on 13/03/2014)*;

Held :- “In the said case, guidelines are issued to the Passport Authorities while renewing the passport of a person against whom there is a criminal case pending before the criminal court.

c) *Vangala Kasturi Rangacharyulu Vs. C.B.I. (decided on 27/09/2021)*;

Held :- “The passport authority was directed to renew the passport, without raising the objection relating to the pendency of the criminal appeal in the Court ”.

d) *Ashok Khanna Vs. C.B.I. (decided on 07/11/2021)*;

Held :- “Section 06 of the Passport Act, 1967, is not applicable for renewal of the passport.”

e) **Hardik Shah Vs. Union of India (decided on 07/12/2021);**

Held :- “The pendency of matrimonial cases alone cannot be a ground to decline renewal of passport. The Gazette Notification dated 25/09/1993 can not be a ground for not renewing the passport for a period of 10 years or for impounding it or restricting it for a period of 01 year only.”

5) Perusal of record reveals that the matter is pending for argument on discharge application filed on behalf of accused persons. As per submission, the present accused wants to travel abroad in October, 2025. The photocopy of his passport reveals that it will expire on 06/10/2025. Here, the Ld. Advocate for the accused prayed specifically, for directions to the Passport Authority to renew the passport for the period of 10 years.

6) He relied upon Office Memorandum issued by Government of India, Ministry of external Affairs, dated 10/10/2019. In that, it is stated that -

GSR 570 (E) In exercise of the powers conferred by clause (a) of 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. GSR 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 offence 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 have, if the court specifies a period for which the passport has to be issued; or

ii) ...

iii) ...

iv) ...

b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at time, provided the applicant has not traveled 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 a fresh court order specifying a further period of validity of the passport or

specifying a period for travel abroad;

d) ...

7) As observed by the Hon'ble Apex Court in aforesaid authorities, there is no bar to give permission to renew the passport of the accused person, subject to certain terms and conditions. The trial of present case will take its own time. Hence, the renewal of a passport should not be restricted to a shorter duration simply because of pendency of a criminal case against the applicant/accused. Hence, considering submissions, I am of the view that it is necessary to give permission to renew the passport of the present accused for the period of 10 years. Hence, I pass following order :-

:- ORDER :-

- 1) The application is allowed.
- 2) The permission is granted to the present accused to renew his passport for the period of 10 years from the date of it's renewal.
- 3) The permission is granted only because the case is pending against the present accused. This is not bye-pass to procedure and rules established by law.
- 4) The passport authority is at liberty to follow it's own procedure and rules while renewing the passport of the present accused.

- 5) The accused shall file fresh application before traveling abroad.
- 6) The copy of the present order shall be given to the concerned Passport Authority, for necessary compliance.

Date: 31/07/2025

(Rohini R. Kulkarni)
Judicial Magistrate First Class,
Deorukh

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per the original order/judgment/evidence.

Name of the Stenographer : S. A. Bhale

Court : Civil Judge, J. D. and J.M.F.C., Deorukh.

Date : 31/07/2025

Order signed by the presiding officer on : 31/07/2025

Order uploaded on : 31/07/2025