



\$~46, 48

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 413/2016

R S RUNGTA

.....Appellant

Through: Mr. Yoginder Handoo, Advocate.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: None.

+ CRL.A. 1121/2024

RAM SWARUP RUNGTA

.....Appellant

Through: Mr. Yoginder Handoo, Advocate.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **24.07.2025**

CRL.M.A. 21335/2025 (exemption) in CRL.A. 413/2016, CRL.M.A. 21338/2025 (exemption) in CRL.A. 1121/2024

1. Allowed, subject to just exemptions.

2. Applications are disposed of.

CRL.M.A. 21305/2025 in CRL.A. 413/2016, CRL.M.A. 21337/2025 in CRL.A. 1121/2024 (seeking permission for renewal of passport for 5 years by Appellants)

1. By way of the present applications, the appellant/applicant is seeking grant of a no-objection by this Court for renewal of his passport for a period of five years.

2. Learned counsel for the appellant submits that the appellant's passport, bearing number F2922904, issued for the period 21.04.2005 to 20.04.2015, was seized by the CBI during investigation in connection with



CRL.A. 413/2016, vide seizure memo dated 30.10.2013. He submits that the said passport has since expired and continues to remain in the custody of CBI.

3. He further submits that, in terms of the Notification G.S.R. 570(E) dated 25.08.1993 issued by the Ministry of External Affairs, where criminal proceedings are pending, passport renewal is ordinarily granted only for a period of one year unless a longer duration is directed by the Court. It is contended that such limited renewals place an undue burden on both the Court and the applicant, as the process is repetitive, time-consuming, and impractical. Moreover, since most countries require a minimum of six months' validity for visa and travel, a one-year passport is of limited utility, effectively necessitating renewal every six months to comply with travel requirements.

4. Attention of the Court is drawn to a decision dated 26.05.2025 by a coordinate bench of this Court in CRL.A. 147/2020 titled Akash & Anr. Vs. State, whereby it was held as under:

“1. The present application is filed on behalf of Appellant No. 2 / applicant seeking NOC for issuance of passport as per Notification No. GSR 570(E) dated 25.08.1993 issued by the Ministry of External Affairs, PSP Division.

2. By order dated 16.07.2020 passed by this Court, the applicant was released on bail on furnishing personal bond in the sum of ₹25,000/-. No condition was imposed by this Court that the appellant will not travel abroad without taking the permission of the Court.

3. The State also, at no stage, indicated any apprehension that the applicant, if released on bail, will abscond or evade the proceedings and should be not permitted to travel abroad. It is also not disputed that the applicant has not misused the liberty granted by this Court. Thus, the appellant, in the opinion of this



Court, is permitted to travel as and when he desires.

4. *By the present application, the applicant seeks permission to obtain passport. Filing of such application is necessitated in terms of the Notification No. GSR 570(E) dated 25.08.1993.*

5. *Section 6(2)(f) of the Passports Act, 1967 (hereafter 'Passport Act') provides that the Passport Authorities can refuse the issuance of passport or a travel document in case the proceedings are pending in respect of any offence against the applicant before a criminal court in India.*

6. *The right to travel abroad is a fundamental right subject to any legal imposition. Undisputedly, the Authorities can refuse to issue or renew a passport, subject to the provisions of Section 6 of the Passports Act, which provides that in case the applicant is alleged to have committed an offence and the proceedings are pending in a criminal court, the issuance or renewal of passport can be refused.*

7. *The said embargo also is not absolute. The Central Government issued a notification being Notification No. GSR 570(E) dated 25.08.1993, relaxing the embargo under Section 6(2)(f) of the Passports Act. It provided that if a criminal court issues No Objection Certificate, the passport will not be refused for the reasons stated in Section 6(2)(f) of the Passports Act.*

8. *For this reason, applications have been filed from time to time by various accused persons whose proceedings have been pending before the Courts.*

9. *The Courts, noting that no condition on travel has been imposed on the accused persons and no apprehension has been raised by the State that the accused, if allowed to travel, will abscond or flee from justice, have been granting such permissions by passing judicial orders.*

10. *In the opinion of this Court, such exercise as undertaken by the Courts from time to time, is waste of judicial time. The Passport Authorities, in the opinion of this Court, by issuing a notification, are not permitted to open an extra front of litigation for the applicants to file application(s) before the Courts.*

11. *A coordinate bench of this Court in Kaushalya Devi v.*



The State of NCT of Delhi & Anr. : Crl MC 3166/2025, while disposing of a similar application on an earlier occasion, noted that the core issue pertains to the interpretation and legal implications of the notification issued by the Ministry of External Affairs. It was observed that the notification seems to stipulate that the issuance or renewal of a passport for a person undergoing criminal proceedings is contingent upon specific directions of the Court. As per the notification if the Court has not prescribed any validity period, it provides a default tenure of one year. The Hon'ble bench noted that the mandate for explicit Court directives to decide the validity period of a passport is neither based on the main statute nor endorsed by the rules and regulations enacted thereunder, as the Passport Act does not grant the Courts authority to rule on such administrative issues. The Court's involvement in the issuance or renewal of a passport is confined to verifying that the individual applying for the passport is not subjected to any judicial restrictions on travel. The restrictions, if any, are specified in orders granting bail itself and does not require any further clarificatory order. The scope of the Courts does not extend beyond this. It was further noted that the notification issued by the Ministry of External Affairs may serve as a general administrative guideline, however it cannot override the provisions of the parent statute or impose obligations upon Courts to pronounce on the tenure of the passport.

12. It is the duty of the respondent Passports Authorities to either renew / issue a new passport or refuse subject to the conditions specified in Section 6 of the Passports Act. Once the court has chosen not to impose any restrictions on the applicant's rights to travel, the Passport Office is required to follow the law in force and proceed with the applicant's application on merits, without applying any unwarranted constraints stemming from the 1993 notification.

13. If the Authorities are satisfied that no condition has been imposed by the Court or no impediment has been imposed on the applicant travelling abroad, I find no reason why the renewal or issuance of passport is not allowed for the reasons mentioned in Section 6 (f) of the Passports Act and are referred



to the Court for the purpose of passing an order.

14. In the present case also, the applicant was released vide order dated 16.07.2020 passed by this Court, suspending the sentence of the applicant. No order has been passed impeding the applicant from travelling abroad and he has not been restrained by any order of this Court from possessing a passport or seeking its renewal. Thus, in the opinion of this Court, even though Notification No. GSR 570(E) dated 25.08.1993 has been issued by the Central Government, the applicant does not require any permission from this Court for seeking issuance of passport.

15. In view of the above, the Passport Authority is directed to consider the applicant's application for issuance a passport in accordance with the Passports Act and Rules framed thereunder, uninfluenced by the absence of any Court specified validity period in this order."

5. The sentences of the appellant/applicant in the present appeals were suspended vide order dated 07.04.2025 in CRL.A. 413/2016 and order dated 29.11.2024 in CRL.A. 1121/2024 respectively. Pertinently, in either of the two aforesaid orders, none of the conditions imposed upon the appellant restricted him from travelling abroad.

6. In view of the decision in *Akash* (supra) by a coordinate bench of this Court, the Passport Authority is directed to consider the applicant's request regarding his passport as per the Passports Act, 1967 and applicable rules, without being affected by the absence of any specific time period being set by this Court.

7. The present applications are disposed of as above.

MANOJ KUMAR OHRI, J

JULY 24, 2025/rd