



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 2954 OF 2026 (GM-RES)

BETWEEN:

1. MR. AWAB ADIL AHMED MOHAMED
@ AWAB
S/O ADIL AHMED MOHAMED
AGED ABOUT 32 YEARS
R/AT NO.55, ANANYA RESIDENCY
3RD CROSS, KESHAVA ASHRAM ROAD
CHIKKA GOWDANAPALYA
SUBRAMANYAPURA POST
BENGALURU-5600061.

...PETITIONER

(BY SRI. HEMANTH .T.C, ADVOCATE)

AND:

1. UNION OF INDIA
REPRESENTED BY
SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF OVERSEAS INDIA AFFAIRS
NORTH BLOCK, NEW DELHI-110001.
2. THE GOVERNMENT OF INDIA
REPRESENTED BY SECRETARY TO



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NORTH BLOCK, NEW DELHI-110001.

3. FOREIGNERS REGIONAL REGISTRATION OFFICER
BMTC BUS STAND, 5TH FLOOR
A BLOCK, TTMC BUILDING
K H ROAD, SHANTHINAGAR
BENGALURU, KARNATAKA-560027.

...RESPONDENTS

(BY SRI. SHANTHI BHUSHAN H., DSGI)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ONLINE ENDORSEMENT ISSUED BY THE RESPONDENT NO.3 FRRO, THE REJECTION/DENIAL OF ONLINE APPLICATION FOR VISA EXTENSION OF THE PETITIONER BEARING NO. 11092546318 DATED 05.01.2026 PRODUCED AT ANNEXURE-F1 AND PASS ANY OTHER ORDER OR DIRECTION BY DIRECTING THE RESPONDENT NO.3 FRRO TO CONSIDER THE ONLINE APPLICATION FOR VISA EXTENSION PRODUCED AT ANNEXURE-F.

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The petitioner calls in question the online visa endorsement issued by respondent No.3 rejecting his application for extension of visa and seeks a direction to the respondents to consider his application for extension of visa.

2. The petitioner is a Sudanese national who entered India on a student visa and pursued a BBA course at Padmashree Institute of Management and Science. The visa was valid up to the year 2020.

3. During his stay, the petitioner came to be arrayed as Accused No.3 in Crime No.6/2021 for offences punishable under Sections 20(B) and 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short "NDPS Act, 1985"), which later culminated in Spl.C.C. No.532/2022. The petitioner is presently enlarged on bail.



4. Upon application, the petitioner's visa was extended up to 09.08.2023 with a specific condition that he shall not leave the country without an exit permit as the criminal case was pending. Upon expiry of the said visa, the petitioner submitted multiple online applications seeking extension, all of which came to be rejected.

5. The petitioner was detained at the Foreigners Detention Centre from 10.01.2024 to 12.06.2024 and thereafter released subject to conditions requiring him to periodically report before the Foreigners Regional Registration Officer (FRRO) and to attend all Court proceedings. It is also not in dispute that the petitioner's passport and the surety passport are in the custody of the FRRO.

6. Subsequently, by order dated 21.08.2025, the learned XXXIII Additional City Civil and Sessions Judge directed the FRRO to consider the petitioner's application for visa extension. Pursuant thereto, the petitioner made a



physical application seeking extension of visa till completion of the criminal case and also sought permission to pay overstay penalty and return of the surety passport. The said request has been rejected on 05.01.2026.

7. Learned counsel for the petitioner would contend that the petitioner has complied with all conditions imposed by the authorities and has been regularly appearing before the trial Court. It is further contended that rejection of visa extension would result in continued detention and prejudice to the petitioner.

8. Per contra, learned counsel for the respondents would submit that the petitioner is an accused in a serious offence under the NDPS Act, 1985 and is overstaying in the country without a valid visa. It is contended that grant of visa extension is not a matter of right.

9. This Court has given its anxious consideration to the submissions made and perused the material on record.



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10. The issue that arises for consideration is not merely whether the petitioner is entitled for extension of visa, but rather the course to be adopted in cases where foreign nationals continue to remain in India solely on account of pendency of criminal proceedings.

11. This Court, in CrI.P. No.11347/2025, while advertng to the Standard Operating Procedure (SOP) governing such situations, has observed thus:

"The SOP, right from its preambular statement, records a disturbing trend. Foreign nationals once implicated in criminal proceedings were resorting to a variety of procedural stratagems such as repeated adjournments on medical grounds, frequent change of legal representation, filing of frivolous applications, absconding between hearings and raising untenable claims of refugee status. These tactics often culminated in protracted trial. Recognizing the said gravity, the deliberations have led to the bringing in of the SOP. The SOP also recognizes and prescribes an



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institutional mechanism to scrutinize such cases. It mandates the constitution of District Level Screening Committee and a State Level Screening Committee to examine the feasibility of withdrawing prosecutions...

The moment the petitioners are set at liberty, they must be handed over to the FRRO to take further action, in terms of the SOP, for withdrawal of the prosecution and consequent deportation..."

The aforesaid observations clearly indicate that continuance of foreign nationals in India, solely on account of pendency of criminal proceedings, is neither desirable nor is in the interest of administration of justice.

12. In the case on hand, the petitioner is admittedly a foreign national, an accused in an NDPS case, presently on bail, overstaying without a valid visa and continuing in India only due to pendency of the criminal proceedings.

13. The petitioner himself has expressed willingness to leave the country, subject to closure of the criminal



case. In such circumstances, directing consideration of visa extension would run contrary to the very object of the SOP, which is to prevent misuse of criminal process as a means to prolong unlawful stay in the country.

14. The appropriate course, therefore, is not to extend the visa, but to trigger the mechanism contemplated under the SOP to examine withdrawal of prosecution, wherever permissible in law, and to facilitate deportation.

15. In view of the aforesaid, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***disposed of***.

(ii) The respondents, particularly the State Government and the competent prosecuting agency, are directed to forthwith place the case of



the petitioner before the District Level Screening Committee in terms of the applicable SOP.

(iii) The said Committee shall examine the feasibility of withdrawal of prosecution in accordance with law and place its recommendation before the State Level Screening Committee/Home Department.

(iv) Upon such consideration, the competent authority shall take an expeditious decision regarding withdrawal of prosecution, strictly in accordance with law.

(v) Upon closure/withdrawal of the criminal proceedings, the petitioner shall be immediately handed over to the FRRO, who shall take forthwith steps for deportation of the petitioner to his country of origin.



(vi) Till such exercise is completed, the petitioner shall strictly comply with all conditions imposed by the FRRO and the trial Court.

(vii) It is made clear that no direction is issued for extension of visa, as the petitioner's continued stay cannot be permitted contrary to the governing SOP.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB
List No.: 2 Sl No.: 103