GAHC010166962026

2026:GAU-AS:15395

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4316/2026

Towaj Uddin Ahmed, S/o Okibul Hussain, Village - Puthimari No.2, House No. 129, P.O. & P.S. Chapar, District - Dhubri, Assam.

……**Petitioner**

-VERSUS-

1. The Union of India represented by the Secretary to the Government of India, Ministry of External Affairs, New Delhi - 110001.
2. The Commissioner and Secretary to the Government of Assam, Home and Political Department, Dispur, Guwahati - 06.
3. The Regional Passport Officer Guwahati, A Dee Tower, 2nd Floor, Opposite Nidhi Bhawan, Lalmati NH - 37, Guwahati - 29.

…….**Respondents**

BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY

Advocates :

For the Petitioner : Mr. A.M. Khan, Advocate

For the Respondent nos. 1 & 3 : Mr. B. Sharma, Central Government Counsel,

For the Respondent no. 2 : Mr. H.K. Hazarika, Junior Government Advocate, Assam.

Date on which judgment is reserved : Not applicable

Date of Hearing : 08.10.2026

Date of pronouncement of judgment : 08.10.2026

Whether the pronouncement is of the

Operative part of the judgment ? : No

Whether the full judgment has been

Pronounced ? : Yes

JUDGMENT & ORDER [ORAL]

The petitioner has instituted the writ petition under Article 226 of the Constitution of India seeking inter alia a direction to the respondent authorities, more particularly, the Regional Passport Office to renew his passport or reissue a passport with fresh sets of blank pages having new validity period in lieu of

his Passport bearing no. S7373798, which was deposited by the petitioner at the office of the respondent no. 3.

2. I have heard by Mr. A.M. Khan, learned counsel for the petitioner; Ms. B. Sharma, learned Central Government Counsel for the respondent nos. 1 & 3; and Mr. H.K. Hazarika, learned Junior Government Advocate, Assam for the respondent no. 2.

3. As per the facts projected in this writ petition, the petitioner is a Doctor by profession who had completed MBBS course from the Silchar Medical College & Hospital, Assam in the year 2008. When he had earlier applied for Passport, the Regional Passport Office issued a Passport bearing no. S7373798 on 22.07.20219 with a validity period up to 21.07.2029. On the basis of the Passport so issued, the petitioner travelled abroad on a number of occasions.

4. The petitioner has stated that as the pages of the Passport got exhausted, the petitioner submitted an application online on 11.02.2025 through the Passport Sewa Portal for re-issuance of the passport with fresh sets of blank pages having new validity period.

5. It is not in dispute that receipt of the online application submitted by the petitioner was acknowledged by the Regional Passport Office, Guwahati by generating Application no. GUB070710592825 on 11.02.2025 and the Office proceeded to process the Application as per the request made by the petitioner in the online application. The Application was processed under 'Re-issue' category due to exhaustion of pages in the Passport earlier issued to the

petitioner. As per the prescribed procedure, the process of calling Police Verification Report [PVR] was initiated online through the system by sending the request to the concerned authority on 11.02.2025 itself.

6. At the time of submission of the Application for re-issuance of the Passport, the petitioner did not mention about pendency of any criminal proceedings against him in the Application form. However, in the course of verification, the Police reported in its Police Verification Reports [PVRs] submitted online, on 06.03.2025 and 07.03.2025, that the report against the petitioner was not clear.

7. On receipt of such Reports from Police, an Objection Letter was issued by the Regional Passport Office to the petitioner on 07.03.2025 in connection with his Passport Application stating that in the course of processing the Application, the Police had submitted an Adverse Report. By the Objection Letter dated 07.03.2025, the petitioner was asked to appear in person in the Regional Passport Office on appointment and to submit required documents, if any, to the Enquiry Officer on a working day.

8. It is the case of the petitioner that on receipt of the Objection Letter dated 07.03.2025, the petitioner appeared in the Regional Passport Office and submitted all the relevant documents with regard to the Adverse Reports, reported in the Objection Letter dated 07.03.2025, in order to place the facts regarding the pendency of a criminal proceedings against him. Contrary to such version of the petitioner, the respondent nos. 1 & 2 in their affidavit-in-opposition have asserted that during the course of processing of the Application,

the petitioner did not submit any document after 07.03.2025 pertaining to the criminal proceedings pending against him. It is stated that on 14.12.2025, the petitioner sent an e-mail to cancel his application or to send an order for re-verification to the Police stating that he had received No Objection Order from the jurisdictional Court. On 15.12.2025, a Reply was again sent by e-mail to the petitioner to book an enquiry appointment online and to visit Regional Passport Office along with the Order of the Court as per the prescribed procedure.

9. There is a dispute with regard to a visit stated to have made by the petitioner to the Regional Passport Office on 23.12.2025. The petitioner on the basis of a Token no. N18 generated by the Regional Passport Office, Guwahati on 23.12.2025 has claimed that he had submitted all the documents pertaining to the criminal proceedings and the Order which had been passed by the jurisdictional Court. On the other hand, the respondent no. 1 and 3 have claimed that the petitioner had only visited the enquiry counter of the Regional Passport Office, Guwahati on 23.12.2025 and the office, upon verification of the physical file as well as electronic records available in the passport system, found that the Order of the jurisdictional Court, claimed to have been submitted by the petitioner on 23.12.2025, was not available in the office records.

10. It is stated that one First Information Report [FIR] lodged by one Momiron Nessa before the Officer In-Charge, Krishnai Police Station was registered as Krishnai Police Station Case no. 101/2022 for the offence under Sections 447/294/323/379, Indian Penal Code [IPC] r/w Section 34, IPC. In the FIR, the informant had inter alia alleged that at about 10-30 a.m. on 27.11.2022, the petitioner along with his 20/25 associates, armed with

weapons, entered into the house of the informant and started scolding her in filthy language and a fight ensued. It was alleged that the accused persons had also snatched away a cash amount of Rs. 5,00,000/- and a gold chain from the informant. After registration of the case, investigation was carried out and the Investigating Officer, after completing investigation into Krishnai Police Station Case no. 101/2022, submitted a charge sheet under Section 173[2], Code of Criminal Procedure, 1973 ['the CrPC' or 'the Code', for short] finding a prima facie case established against the petitioner and one Jakir Hussain Ahmed to proceed for trial for offences under Sections 341/294/323/506, IPC r/w Section 34, IPC. On the basis of the said charge sheet, a case, PRC no. 156/2023 has been registered by the jurisdictional Court, that is, the Court of learned Judicial Magistrate, First Class, Goalpara ['the Trial Court']. After appearance of the petitioner and the other accused, the Trial Court framed charges for offences under Sections 447/244/323/506, IPC r/w Section 34, IPC against both the accused persons. At the stage of submission of the application for re-issuance of the Passport, the case was pending at the stage of recording evidence before the Trial Court.

11. The petitioner had thereafter, submitted a petition, Petition no. 820/2025 before the Trial Court praying for issuance of a No Objection Certificate for renewal / re-issuance of the petitioner's Passport no. S7373798. The Trial Court heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor on 08.05.2025 on Petition no. 820/2025 and after hearing, the Trial Court rejected the petition observing that as cognizance of the offences had already been taken and if the NOC was to be given to the petitioner and he would travel abroad then the proceedings of PRC no.

156/2023 would get delayed.

12. Aggrieved by the Order dated 08.05.2025, the petitioner preferred a revision petition under Section 438 r/w Section 440, Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS] before the Court of learned Sessions Judge, Goalpara ['the Revisional Court'] and the said criminal revision petition was registered as numbered as Criminal Revision no. 11/2025. After hearing, the Revisional Court disposed of the criminal revision petition by a Judgment dated 04.11.2025, allowing the criminal revision petition and the Order dated 08.05.2025 passed by the Trial Court was set aside. The Revisional Court granted liberty to the petitioner to move a fresh application before the Trial Court reiterating his prayer for renewal / re-issuance of the Passport and observed that in the event such application was filed, the Trial Court shall grant No Objection Certificate in respect of renewal of the petitioner's Passport and the Trial Court would be at liberty to impose conditions, such as a shorter Passport validity period [e.g. one year].

13. After the Judgment dated 04.11.2025 of the Revisional Court, the petitioner filed an application afresh before the Trial Court reiterating his prayer for renewal / re-issuance of Passport no. S7373798 based on the provisions contained in Section 6[2][f] r/w Section 22 of the Passports Act, 1967. The said petition was registered as Petition no. 2523/2025. After hearing the parties and considering the statutory provisions and the Judgment dated 04.11.2025 passed by the Revisional Court in Criminal Revision no. 11/2025, the Trial Court passed an Order on 28.11.2025 holding that the Trial Court had no objection in renewal of the Passport of the petitioner, who was one of the accused persons in PRC

no. 156/2023, pending before it, for a period of six months. The Trial Court in its Order had taken note of a Notification no. G.S.R. 570[E] dated 25.08.1993 to observe that the Passport Authority would be at liberty to inquire before the renewal of the Passport to verify whether any other case was pending against the petitioner other than PRC no. 156/2023. The petitioner was also directed to sign a bond before the Trial Court to appear on every date of posting of PRC no. 156/2023.

14. Ms. Sharma, learned CGC appearing for the respondent nos. 1 & 3 has submitted that it is from the documents annexed to the writ petition the respondents had come to learn about the Judgment dated 04.11.2025 of the Revisional Court and the Order dated 28.11.2025 of the Trial Court. On receipt of the said information, Police Verification in respect of the Application bearing no. GUB070710592825 for renewal has been re-initiated on 20.08.2026. Ms. Sharma has further submitted that necessary action on the Application would be taken after submission of the PVR by the concerned Police authority.

15. Mr. Khan, learned counsel appearing for the petitioner has submitted that in view of the Order dated 28.11.2025 passed by the Trial Court, the provisions contained in Section 6[2][f] of the Passports Act, 1967 could not stand in the way for re-issuance of the Passport of the petitioner. He has submitted that the clarification issued by the Central Government in the Gazette Notification no. G.R.E. 570[E] dated 25.08.1993 has provided that a No Objection Certificate or an Order granting permission from the jurisdictional Trial Court and an Undertaking from the applicant would override an Adverse PVR.

16. In response, Ms. Sharma, learned CGC has submitted that as on date, the Regional Passport Office has the knowledge about the pendency of the criminal proceedings of PRC no. 156/2023 and the office is not in knowledge of any other criminal proceedings pending against the petitioner.

17. The matters of issuance, renewal or re-issuance or passports are governed and regulated by the provisions of the Passports Act, 1967 [‘the Passports Act’ or ‘the Act’, for short]. It is an Act to provide for issue of passports and travel documents, to regulate the departure from India of citizens of India and for other persons and for matters incidental or ancillary thereto.

18. Section 5 of the Passports Act is on the subject, ‘Applications for passports, travel documents, etc., and orders thereon’. As per sub-section [1] and sub-section [1A], an application for issue of a passport or a travel document under the Passports Act is to be made to the Passport Authority accompanied by such fee, as may be prescribed. Sub-section [1B] of Section 5 has provided that every application under the Section shall be in such form and contain such particulars as may be prescribed. As per Section 2[d] of the Act, ‘prescribed’ means prescribed by rules made under the Passports Act.

19. Sub-section [2] of Section 5 of the Passports Act has provided that on receipt of an application under Section 5, the Passport authority, after making such enquiry, if any, as it may consider necessary, shall, subject to the other provisions of the Act, by order in writing, -

[a] issue the passport or travel document with endorsement, or, as the case

may be, make on the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application; or

[b] issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an endorsement in respect of the other country or countries; or

[c] refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.

20. As per Section 5[3], where the Passport Authority makes an order under clause [b] or clause [c] of sub-section [2] of Section 5 on the application of any person, it shall have to record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same unless in any case the Passport Authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such copy.

21. Section 6 : Refusal of passports, travel documents, etc. of the Passport Act deals with refusal of passports and travel documents. For ready reference, Section 6 is quoted hereinbelow in its entirety :-

Section 6. Refusal of passports, travel documents, etc.-

[1] Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause [b] or clause [c] of sub-section [2] of section 5 on any one or more of the following grounds, and ***on no other ground, namely***:--

[a] that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;

[b] that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

[c] that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country;

[d] that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

[2] Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause [c] of sub-section [2] of section 5 on any one or more of the following grounds, and ***on no other ground***, namely :-

[a] that the applicant is not a citizen of India;

[b] that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;

[c] that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

[d] that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

[e] that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

[f] ***that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India*;**

[g] that a warrant or summons for the appearance, or a warrant for the

arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

[h] that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

[i] that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

22. Section 7 of the Passports Act has prescribed for duration of passports and travel documents, and Section 8 has provided for extension of the period of passports. Section 9 of the Passports Act refers to the conditions and forms of passports and travel documents. By Section 10 of the Passports Act, the Passport Authority has been empowered to make variation, impounding and revocation of passports and travel documents. Section 11 of the Passports Act has provided for appeals and Section 12 has prescribed the offences and penalties. It has been contained in Section 17 of the Passports Act that a passport or travel document issued under the Act shall at all times remain the property of the Central Government.

23. Section 22 of the Passports Act has empowered the Central Government to grant exemptions. Section 22 reads as under :-

Section 22. Power to exempt.

Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification, -

[a] exempt any person or class of persons from the operation of all or any of the provisions of this Act or the rules made thereunder; and

[b] as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.

24. Section 22 of the Passports Act has inter alia conferred on the Central Government the power, where it considers necessary or expedient in the public interest, to exempt any person or class of persons from the operation of specified provisions of the Act.

25. In exercise of the powers conferred by Section 22 of the Passports Act, quoted above, the Ministry of External Affairs, Government of India had issued a Notification no. GSR 570 [E] on 25.08.1993. The relevant excerpts from the Notification no. GSR 570 [E] which was published in the Official Gazette, are reproduced below for reference :-

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 above, if the court specifies a period for which the passport has to be issued**; or

[ii] if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;

[iii] if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year;

[iv] if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

[b] any passport issued in terms of [a][ii] and [a][iii] above can be further renewed for one year at a time, provided the applicant has not travelled 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] the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

26. By a subsequent Circular no. V.I/401/1/3/2014 dated 21.08.2014, the Ministry of External Affairs, Government of India had reiterated that the issuance of passports to citizens of India against whom proceedings in respect of offences alleged to have been committed by them were pending before a criminal court in India was to be administered by the procedure contained in the Gazette Notification no. GSR 570 [E] dated 25.08.1993. By the Circular, a standard format of undertaking was prescribed with a direction that whenever any applicant against whom proceedings before a criminal court were pending

would approach any Passport Issuing Authority for passport services, a copy of the Gazette Notification no. GSR 570 [E] and a copy of the proforma undertaking were to be given to the applicant with a covering letter directing the applicant to fulfil the requirements prescribed in the Gazette Notification no. GSR 570 [E] dated 25.08.1993. Only on submission of the same, the passport application would be processed and the passport would be issued as per the provisions of the Gazette Notification no. GSR 570 [E] dated 25.08.1993 and the contents of the court order, subject to submission of other documents and requirements as applicable to other passport applicants.

27. In continuation of the Gazette Notification no. GSR 570 [E] dated 25.08.1993, the Ministry of External Affairs, Government of India had issued an Office Memorandum no. VI/401/1/5/2019 on 10.10.2019 on the subject :- 'Issue of passports to applicants against whom criminal cases are pending before a court of law in India'. By this Office Memorandum, all Passport Authorities have been directed to apply the Gazette Notification no. GSR 570 [E] strictly in cases where criminal proceedings are pending, to insist on an undertaking in terms of the notification, and to treat a 'no objection certificate' or permission granted by a criminal court as prevailing over an adverse police report, while keeping in view that in cases covered by Section 6[2][f] the passport is ordinarily to be issued for a shorter period, consistent with the scheme of the Passports Act and the Passport Rules.

28. The provisions of the Passports Act, the Passport Rules, the Gazette Notification no. GSR 570 [E] dated 25.08.1993 and the Office Memorandum no. VI/401/1/5/2019 on 10.10.2019 came up for consideration of the Hon'ble

Supreme Court of India in the case of **Mahesh Kumar Agarwal vs. Union of India and another, [2025] 12 SCR 1307.** The following excerpts from the said decision, which are of relevance for the case in hand, are quoted hereinbelow :-

> **10. On a plain reading, GSR 570[E] does two things. First, it recognises that persons facing criminal proceedings are not to be treated as absolutely disentitled to a passport. Instead,** it permits such persons to obtain a passport, notwithstanding Section 6[2][f], where the concerned criminal court has applied its mind and passed an order in **relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required.** Secondly, it structures the exercise of that exemption by tying the validity and use of the passport to the terms of the court's order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases. What the notification does not do is to create a new substantive bar beyond Section 6[2][f], or to insist that the criminal court must, in every case, grant a prior blanket permission to 'depart from India' for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport.
>
> 11. The OM dated 10.10.2019 does not create a new regime. It reiterates that GSR 570[E] must be 'strictly applied', explains the procedure where criminal cases are pending and makes it clear that **a 'no objection certificate' or permission from the criminal court, read with the applicant's undertaking, may override an adverse police report with reasons recorded by the Passport Officer.** It also contemplates situations where more than one court is dealing with the matter and indicates that the orders of all such courts are to be

read together. The OM is thus an administrative restatement of the position under Section 6[2][f], Section 22 and GSR 570[E], and cannot add to or cut down the exemption which the notification itself grants.

12. […] we are prepared to treat re-issue of an expired ordinary passport as referable to Section 5 and subject to Section 6[2][f]. […] In our view, once the criminal courts, with full knowledge of the pending proceedings, consciously allowed renewal subject to the condition that the appellant shall not travel abroad without their permission and, […] required redeposit of the renewed passport, the underlying concern of Section 6[2][f] stood adequately addressed under judicial supervision.

* * * * * *

15. […] First, Section 6[2][f] is a ground for refusal at the stage of issue or re-issue, but it is expressly made subject to 'the other provisions' of the Act, which include Section 22 and the exemption carved out through GSR 570[E]. Second, GSR 570[E] does not compel the criminal court to authorise a particular journey. It proceeds on the broader premise that where the criminal court permits the applicant to depart from India and the period of validity can be anchored either in the court's order or in the default periods mentioned in the notification, the embargo in Section 6[2][f] stands lifted to that extent. […]

16. […] The passport authority is not required, at the renewal stage, to demand a schedule of future journeys or visas which may not yet exist. Its task is to see whether, despite pending proceedings, the criminal courts have chosen to keep the possibility of travel open under their supervision. Once that position is clear, GSR 570[E] applies and the bar under Section 6[2][f] cannot be invoked to refuse renewal altogether.

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19. […] Section 6[2][f] speaks of 'proceedings in respect of an offence alleged to have been committed' and is directed at the pre-conviction stage. Once there is a conviction, the situation falls, if at all, within Section 6[2][e], which uses a different threshold and language. […]

20. It must also be noted that denial of renewal of a passport does not operate in a vacuum. This Court has repeatedly held in a catena of judgments that the right to travel abroad and the right to hold a passport are facets of the right to personal liberty under Article 21 of the Constitution of India. Any restriction on that right must be fair, just and reasonable, and must bear a rational nexus with a legitimate purpose.

* * * * * *

22. **It is important to keep distinct the possession of a valid passport and the act of travelling abroad.** A passport is a civil document that enables its holder to seek a visa and, subject to other laws and orders, to cross international borders. **Whether a person who is on bail or facing trial may actually leave the country is a matter for the criminal court, which can grant or withhold permission, impose conditions, insist on undertakings, or refuse leave altogether.** […] To refuse renewal on the speculative apprehension that the appellant might misuse the passport is, in effect, to second-guess the criminal courts' assessment of risk and to assume for the passport authority a supervisory role which the statute does not envisage.

29. What emerges from the above discussion is that an applicant applying for issuance of a passport or renewal of a passport, can be refused on the grounds outlined in clause [a] to clause [i] of sub-section [2] of Section 6 of the

Passports Act and on no other ground. Clause [f] of Section 6[2] is in relation to proceedings in respect of an offence. Section 6[2][f] has stated that the Passport Authority shall refuse to issue a passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. Section 6[2] is made subject to the other provisions of the Passports Act and amongst such provisions, Section 22, quoted above, which has provided the power to exempt to the Central Government, is also included.

30. By the Gazette Notification no. GSR 570 [E] dated 25.08.1993, the Central Government by exercising the power to exempt under Section 22 has provided that a person facing criminal proceedings is not debarred for applying for issuance of a passport or renewal of a passport earlier issued to him. In other words, an applicant facing criminal proceedings is not to be treated as absolutely disentitled to a passport or renewal of passport. Therefore, an applicant against whom proceedings in respect of an offence alleged to have been committed by him is pending before a criminal court, has to produce an order from the concerned criminal court permitting him to depart from India. In such a case, a passport can be issued or renewed, subject to the conditions mentioned in the Gazette Notification no. GSR 570 [E] dated 25.08.1993. If in the order, the concerned criminal court specifies a period then the passport is to be issued or renewed for such period.

31. In the case in hand, the Trial Court where the proceedings of PRC no. 156/2023 is pending, has already observed in its Order dated 28.11.2025 to the effect that it has no objection in re-issuance of Passport no. S7373798 to the

petitioner for a period of six months. As on date, the application of the petitioner for re-issuance of Passport no. S7373798 is still being processed.

32. In view of the discussion made and for the reasons assigned above, this Court is of the considered view that there is no legal impediment under Section 6[2][f] of the Passports Act for the Passport Issuing Authority to process the Application no. GUB070710592825 submitted by the petitioner for re-issuance of his Passport no. S7373798 for a period of six months in terms of the Order dated 28.11.2025 passed by the Trial Court in Petition no. 2523/2025, if the fact situations canvassed in this writ petition, as considered above, regarding pendency of no other criminal proceedings as obtaining as on date, other than PRC no. 156/2023 are correct. The Order dated 28.11.2025 passed by the Trial Court would override any adverse PVR submitted regarding PRC no. 156/2023 during the course of processing of the Application for re-issuance.

33. In the above view of the matter, this writ petition is disposed of with the following directions :-

[i] The petitioner shall submit his Reply to the Objection Letter dated 07.03.2025 issued to him by the respondent no. 3 within a period of fifteen days from today, stating therein the present status / position obtaining in relation to PRC no. 156/2023, along with a certified copy each of the Judgment dated 04.11.2025 passed by the Court of Sessions Judge, Goalpara in Criminal Revision no. 11/2025; & the Order dated 28.11.2025 passed by the Trial Court in Petition no. 2523/2025 filed in PRC no. 156/2023; and an undertaking

as prescribed by Circular dated 21.08.2014 [supra];

[ii] On receipt of the above Reply from the petitioner, the Passport Issuing Authority [the respondent no. 3] shall ascertain itself whether the condition laid down in Section 6[2][f] of the Passports Act is in existence or not, within a period of fifteen days therefrom; and

[iii] If the condition under Section 6[2][f] of the Passports Act by making verification from its own end, if it finds expedient and necessary; is found to be not in existence, as explained in the Gazette Notification no. 570[E] dated 25.08.1993 and the Office Memorandum dated 10.10.2019, the respondent no. 3 shall proceed to process the application for re-issuance of the Passport no. S7373798 strictly in terms of the provisions of the Passports Act and all other extant rules and regulations, taking into account the directions made by the Trial Court regarding validity period of the Passport in its Order dated 28.11.2025, so as to bring the entire process to a finality as expeditiously as possible, within an outer limit of one month therefrom, keeping in view that the right to hold a passport is a facet of the right to personal liberty under Article 21 of the Constitution of India.

34. It is, however, clarified that if the petitioner after re-issuance of the Passport, has to undertake any travel abroad, he will have to make appropriate application to the Trial Court seeking permission to travel abroad and the Trial

Court in its discretion can impose such conditions as it deems fit and proper in case of the petitioner.

35. With the observations made and directions given above, the writ petition stands allowed to the extent indicated. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant

Pallabi Das

Digitally signed by Pallabi Das
DN: c=IN, o=Personal, postalCode=781003, l=Kamrup, st=Assam, street=H/no113 , Silpukhuri, GMC Assam India 781003 Near Bank of india, title=7618, 2.5.4.20=01b493500a5bb45e0570c54eeae9ea4b67074cdaf44d001cf5b9dc43827e13ee, serialNumber=48f77e5452202103 9f8396a31b5bc8bb8ae8a996b28b54ec23937ab4014046e1, email=daspalvi20@gmail.com, cn=Pallabi Das
Date: 2026.10.13 09:40:19 +05'30'