IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2243 of 2026

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UTTAM PRATULKUMAR SETH

Versus

UNION OF INDIA

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Appearance:
MR SHAIVAL M PATEL(9950) for the Petitioner(s) No. 1
MR PRADIP D BHATE(1523) for the Respondent(s) No. 1
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CORAM:**HONOURABLE MS. JUSTICE NISHA M. THAKORE**

Date : 16/10/2026

ORAL ORDER

By the present writ petition, the petitioner has prayed for direction to process the application filed by the petitioner for a Passport and renew the passport and issue the passport with a validity period of 10 years.

2. Learned advocate for the petitioner submits that FIR being FIR No.11191001210278 of 2021 dated 16.06.2021 came to be lodged with Anandnagar Police Station, Ahmedabad City for the offences punishable under Sections 406, 420, 120B and 506(2) of the I.P.C. He submits that the petitioner is enlarged on bail by the concerned Court. He submits that since the passport of the petitioner was to expire on 03.07.2026, the petitioner moved application being Application Reference No.25-0059798304 before the respondent authority on 28.07.2025, which is pending.

3. Mr. Pradip D. Bhate, learned advocate for the respondent

submits that the passport application of the petitioner is to be processed in accordance with the GSR Notification 570(E) dated 25.08.1993. He submits that the citizens who are facing criminal proceedings have to produce orders from the Court concerned permitting them to depart from India.

4. Heard learned advocates for the parties, perused the documents on record and considered the submissions.

5. At the outset, it is not in dispute that the FIR being FIR No.11191001210278 of 2021 dated 16.06.2021 came to be lodged with Anandnagar Police Station, Ahmedabad City for the offences punishable under Sections 406, 420, 120B and 506(2) of the I.P.C. He submits that the petitioner has preferred quashing petition before this Court being Criminal Misc. Application No.11440 of 2021 wherein this Court has directed respondents therein to not to take any coercive action against the applicant-petitioner herein. It is submitted by the petitioner that as no charge-sheet has been filed against petitioner till date and in absence of charge-sheet, no criminal case is pending. In view of the above, the respondent cannot insist for clearance of court case.

6. The GSR Notification 570(E) dated 25.08.1993 reads as under:-

> *"G.S.R 570 (E)-In exercise of the powers conferred by clause (a) of the 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. G.S.R. 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 offences 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 or a period 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; or
(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 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 3 fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;
(d) the said citizen shall given 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."

7. Clause (ii) thereof states that if there is no period specified in the order passed by the Trial Court for issuance of passport, the passport shall be issued for a period of 1 year. The said Notification also specifies in Clause (i) that if the Court specifies the period for which the passport has to be issued, then the passport shall be issued for such a specified period.

8. The Division Bench of the Bombay High Court in writ petition No.361 of 2014 dated 13.03.2014 has held thus:-

"10. In the circumstances, we propose to issue guidelines to be followed by the Respondents on receipt of the applications for renewal of the passports, in all cases, where the Magistrate's court has directed that the passports may be renewed as per the "Rules".
11. Accordingly, we issue the following directions :-
(a) In all cases where the Magistrate's court directs renewal of the passports under the Rules, the Passport Rules, 1980 shall apply and

passports other than for a child aged more than 15 years shall be renewed for a period of ten years or twenty years as the case may be from the date of its issue. All qualifying applicants are entitled to have passport renewed for atleast ten years. The Regional Passport Office shall renew the passports of such qualifying applicants atleast for ten years.

(b) In case where the passports are valid and the applicants hold valid visas on existing passport, the

Regional Passport Officer shall issue the additional booklet to the same passport provided the applicant had obtained permission to travel abroad.

(c) If the learned Magistrate passes an order making the reference to the said Notification No. G.S.R. 570(E) dated 26th August, 1993, the passport shall be renewed only for such period that the Magistrate may specify in the order or as otherwise specified in the said Notification where the passport of the applicant is valid for less than one year, the additional booklet may be issued subject to the orders to be

obtained in this behalf only of the Magistrate concerned.

12. For avoidance of doubt, we clarify that the guidelines set out herein will be applicable only in the cases where the learned Magistrate ordered renewal of the passports as per Passport Rules, 1980 and to no other. In other cases, where the learned Magistrate had granted permission to the accused persons to depart from India, the provisions of Section 6(2)(f) of the Passports Act, 1967 and the Notification(s) issued thereunder from time to time by the Ministry of External Affairs or such other competent authority so empowered, will continue to apply and directions permitting the accused persons to depart from India and/or the orders permitting renewal of the passports of such accused persons shall continue to be governed by such Notification(s).”

9. Though the said decision is not binding on this Court, it has certainly a persuasive value. In the considered opinion of this Court, the ratio of the said judgment squarely applies in the facts and circumstances of the present case. The Central Government has issued a Notification by exercising powers vested in it under Section 6(2)(f) of the Passport Act, 1967 being GSR Notification 570(E) dated 25.08.1993. There being an ambiguity under the provisions of the Act, the Rules and the GSR Notification 570(E) dated 25.08.1993 issued by the passport authority, the Division Bench of the Bombay High Court has clarified the said ambiguity in case of ***Narendra K. Ambwani*** (supra). This Court is also of the considered opinion that the passport

authorities do not have any authority to decide whether the accused has a right to travel abroad and such authority is only vested in the Trial Court which can impose conditions if an application is made seeking permission to travel abroad. This Court is of the considered opinion that the directions issued by the Bombay High Court are binding upon the passport authorities to renew the passport for a period of 10 years as per the Act and the Rules.

10. In view of the aforesaid reasons and observations, the respondent authorities are directed to renew the passport of the petitioner for a period of 10 years. However, it is clarified that if the petitioner has to undertake any travel abroad, he will have to make appropriate application before this Court in quashing proceedings or before concern Trial Court, seeking permission to travel abroad, which may impose such conditions as it deems fit and proper in case of the petitioner. If any application for renewal of the passport is made by the petitioner, the same be decided expeditiously within a period of 4 weeks from the date of such application.

11. With the aforesaid directions, the present Special Civil Application is allowed and accordingly stands disposed of. No order as to costs.

(NISHA M. THAKORE,J)

SUYASH SRIVASTAVA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SUYASH KUMAR SRIVASTAVA(HC01570), PRIVATE SECRETARY, at High Court of Gujarat on 16/10/2026 18:49:44