IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 14904 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

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Approved for Reporting	Yes	No

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MOHAMEDIQBAL GANIBHAI MEGHREJI
Versus
UNION OF INDIA & ORS.

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Appearance:
MR YASH J PATEL(11240) for the Applicant(s) No. 1
MS. JHIRGA JHAVERI, APP for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**

Date : 30/10/2026

JUDGMENT

1. The captioned petition is preferred under Articles 14, 19, 21, 226 & 227 of the Constitution of India read with Section 528 of BNSS, 2023, thereby challenging the order dated 29.09.2026 passed by the learned Additional Chief Judicial Magistrate, CBI Court No.1, Ahmedabad (Rural) in CBI Crl. Misc. Application No.31 of 2026 in CBI Criminal Case No. 18 of 2024, whereby the application preferred by the petitioner herein came to be partly allowed and petitioner was permitted to get renewed his passport for a period of three years in terms of notification/circular of Ministry of External Affairs dated 25.08.1993.

2. By way of preferring the instant petition, the petitioner has prayed for the following reliefs:-

> *a) YOUR LORDSHIPS may be pleased to admit and allow the present application;*
> *b) YOUR LORDSHIPS may be pleased to issue a writ of certiorari or any other appropriate writ, order or direction, quashing and setting aside the order dated 29.09.2026 passed by the Ld. Addl. Chief Judicial Magistrate, CBI Court No. 1, Ahmedabad (Rural) below CBI Criminal Misc. Application No. 31 of 2026 in CBI Criminal Case No. 18 of 2024, to the extent that it confines the no-objection for renewal and re-issue of the passport of the applicant bearing No. Z4139752 to a period of three years, and be pleased to direct that the said passport be renewed and re-issued for the full period of ten years, the said period being specified for the purposes of clause (a)(i) of Notification No. G.S.R. 570(E) dated 25.08.1993; [ANNEXURE – A];*
> *c) YOUR LORDSHIPS may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent no. 3 to re-issue an ordinary passport to the applicant for the normal period of ten years from the date of issue, subject to compliance with the usual procedural requirements, within such period as this Hon'ble Court may deem fit from the date of the application of the applicant;*
> *d) YOUR LORDSHIPS may be pleased to quash and set aside Condition No. 1 imposed by the impugned order, and be pleased to permit the applicant to depart from India during the validity of the passport, subject to his undertaking under clause (d) of Notification No. G.S.R. 570(E) to appear before the trial court whenever required; [ANNEXURE – A];*
> *e) In the alternative to prayer clause (D), YOUR LORDSHIPS may be pleased to modify Condition No. 1 imposed by the impugned order so as to require the applicant to intimate the trial court and the respondent no. 1 in writing, at least 7 (seven) days before each departure from India, of his itinerary, his*

address abroad and the date of his return, in place of seeking prior permission, on such further terms as this Hon'ble Court may deem fit;

f) Pending admission, hearing and final disposal of the present application, YOUR LORDSHIPS may be pleased to direct the respondent no. 3 to accept and process the application of the applicant for re-issue of his passport for a period of ten years, subject to the final outcome of the present application;

g) Pass any such other and/or further orders that may be thought just and proper, in the facts and circumstances of the present case.

3. Issue Rule to the respondents, returnable forthwith. Learned advocate, Mr. Kodekar accepts and waives service of Rule on behalf of respondent No.1. Learned APP, accepts and waives service of Rule on behalf of respondent No.2. Learned advocate, Mr. Pankaj M Luhar appearing on behalf of Learned advocate, Mr. Pradip D Bhate accepts and waives service of Rule on behalf of respondent No.3.

4. Heard learned counsels for the parties.

5. Learned counsel for the petitioner submitted that the passport bearing No.Z4139752 is going to expire on 30.05.2027, as such, the petitioner preferred an application before the learned CBI Court, seeking permission to get the passport renewed for a period of ten years. He submitted that the learned Trial Court has partly allowed the said application and thereby permitted the petitioner herein to get the passport renewed for a period of three years. He submitted that the petitioner as on today is aged about 67 years and has to go abroad for business purposes and further, all his children are settled outside India, i.e., at UK, Dubai & Canada. Therefore, he is required to travel abroad

frequently. As such, he prayed that his passport ought to have been permitted to be renewed for a period of ten years. Therefore, he prayed for modification of the modification of the impugned order and submitted that he may be permitted to get his passport renewed for a period of ten years. In support of his contentions, he has placed reliance upon the judgment rendered by the Coordinate Bench of this Court in ***Harsh Mahesh Tanna v. State of Gujarat & Anr., R/Special Civil Application No.3289 of 2025, decided on 17.03.2025,*** whereby the Coordinate Bench had permitted the petitioner therein to get his passport renewed for a period of ten years as per the applicable notification/Rules. Reliance has also been placed on the judgment rendered by the Hon'ble Apex Court in the case of ***Mahesh Kumar Agarwal v. Union of India & Anr. [2025 INSC 1476].*** Having placed reliance upon the aforesaid judgment, learned counsel for the Petitioner prayed for modification of the impugned order.

6. Per contra, Mr. Kodekar, learned counsel appearing for respondent No.1 submitted that he has no objections if the passport is renewed for a limited period of three years. He further submitted that appropriate conditions may be imposed upon the petitioner such as intimating and seeking prior permission from the Trial Court before leaving India for future visits to abroad.

7. Learned APP appearing for respondent No.2 adopted the submissions advanced by the learned counsel for respondent No.1.

8. Learned counsel appearing on behalf of respondent No.3 –

Regional Passport Officer, Ahmedabad, vehemently argued that the instant petition is premature. He argued that the petitioner has not preferred any application before respondent No.3 for renewing his passport. He further placed reliance upon the judgment rendered by the Delhi High Court in ***Union of India & Anr. vs. Rajgopal Chakravarthi Venkateish [2026:DHC:4546-DB].*** Having placed reliance upon the aforesaid judgment, learned counsel for respondent No.3 prayed for rejection of the captioned petition.

9. Having heard the submissions of the learned counsels for the parties and having gone through the records, it emerges from the records that the petitioner has arrayed as an accused in connection with CBI Criminal Case No. 18 of 2024. The FIR was registered at CBI, BS & FB, Mumbai Police Station for the offenses punishable under Section 120-B read with Sections 420, 468 & 471 of IPC. The trial of the said case is pending and progressing before the learned Additional Chief Judicial Magistrate, CBI Court No.1, Ahmedabad (Rural). The petitioner had preferred an application being CBI Crl. Misc. Application No.31 of 2026 seeking permission to get renewed his passport bearing No. Z4139752 for a period of 10 years. Vide its order dated 29.09.2026, the learned Trial Court partly allowed the said application, thereby permitting the petitioner to get renewed/reissued the said passport for a period of three years. It is the grievance of the petitioner that the learned Trial Court ought to have permitted the petitioner to get renewed his passport for a period of ten years.

10. Learned counsel appearing for respondent No.1 has no objections if the passport is renewed for the limited period of three

years, while learned counsel for respondent No.3 vehemently opposed this application. He raised the contention that the petition is premature, as no application has been preferred before the Regional Passport Office for renewal of the passport. Insofar as the objection raised by the learned counsel for respondent No.3 that the instant petition that the premature is concerned, petitioner could make application for renewal only after getting permission from the Court. The learned Trial Court has granted permission for renewal for a limited period of three years. The petitioner being aggrieved by the said order, has approached this Court. Thus, the cause for making an application before the respondent No.3 – Regional Passport Office would arise only when petitioner gets necessary permission from the Court, and thereafter, application before respondent No.3 would be made.

11. Before proceedings further, it would be apposite to refer to the judgments relied upon the parties in support of their contentions. The petitioner has placed reliance upon the judgment rendered by the Coordinate Bench of this Court in ***Harsh Mahesh Tanna*** (supra), wherein at para No.10, the Coordinate Bench has observed as under:-

> *"10. 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. In case of the petitioner herein, the Additional Chief Judicial Magistrate, Sanand has clearly directed that the application for renewal of the passport of the petitioner should be processed as per the Act and Rules framed thereunder. It is not disputed that the Additional Chief Judicial Magistrate, Sanand has not given any direction as to the period for which the passport of*

> *the petitioner should be renewed. 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."*

12. Petitioner had also placed reliance upon the judgment rendered by the Hon'ble Apex Court in ***Mahesh Kumar Agarwal*** (supra), wherein at paragraph No.30, the Hon'ble Apex Court has observed as under:-

> *"30. The respondents are directed to re-issue an ordinary passport to the appellant for the normal period of ten years from the date of issue, subject to compliance with the usual procedural requirements, within a period of four weeks from the date of production of a copy of this judgment before the RPO, Kolkata. The passport so issued shall remain subject to all existing and future orders passed by the NIA Court, Ranchi, and the Delhi High Court, including, in particular, the conditions that the appellant shall not leave India without prior permission of*

the court concerned and shall deposit the passport in that court as and when so directed."

13. Learned counsel for respondent No.3 has placed reliance on the judgment rendered by Delhi High Court in ***Union of India & Anr.,*** (supra), wherein, the Division Bench of Delhi High Court at para No.28, had observed as under:-

> *"28. Rule 12 of the Rules provides that an ordinary Passport shall ordinarily be valid for a period of ten (10) years from the date of its issue. Consequently, a Passport issued under Section 7 of the Act would ordinarily be valid for a period of ten (10) years, unless the Passport Authority, for reasons to be communicated in writing to the applicant, considers it fit to issue the same for a shorter duration."*

14. Perusal of the afore judgments relied upon by the parties makes it clear that a general passport is renewed for a period of ten years, therefore, the learned Trial Court ought to have granted permission to the petitioner for renewing the passport for a period of ten years.

15. In view of the above observations, the impugned order passed by the learned Trial Court is required to be modified and accordingly, the petitioner is permitted to get renewed/reissued his passport for a period of ten years. However, at the same time, it would be apposite to impose certain conditions. As such, after getting his passport renewed, the petitioner is directed not to leave India without obtaining prior permission from the learned Trial Court. The learned Trial Court shall be free to impose any condition it deems fit and in accordance with law, after considering such requests.

16. The Petition stands allowed to the aforesaid extent and is accordingly disposed of. Rule is made absolute accordingly.

(MOOL CHAND TYAGI, J)

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ARUN B(HC02368), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 03/11/2026 16:28:12