

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
SRINAGAR**

CNR No:JKSG01001213-2026

Crm. Revision/48/2026

I.A: 02/2026

Date of Instt:06-07-2026

Date of Order:16-07-2026

In the Case of:

Dr. Farooq Abdullah,
S/o Late Sheikh Mohammad Abdullah,
R/o 40, Gupkar Road, Srinagar.

.....**Petitioner/Revisionist**

Through: Adv. Mr. Ishtiyah Ahmad Khan

Versus

Central Bureau of Investigation (CBI),
Through its Standing Counsel.

.....**Respondent**

Through: Ravi Kumar Singh (Special Public Prosecutor)

In the matter of: Petition seeking permission/no objection for
issuance of passport.

CORAM: Mr. Farooq Ahmad Bhat

UID Code: JK-00119

O R D E R

1. One petition has been filed by the petitioner/revisionist seeking permission/no objection for issuance of passport and the relevant extract is reproduced hereunder:-

"That the petitioner is facing trial in the above titled case arising out of FIR No. 27/2012 registered at Police Station R.M. Bagh, Srinagar, under Sections 120-B/409 RPC, investigated by the Central Bureau of Investigation, which, upon completion of investigation, presented its charge sheet before this Court, and the same is presently pending before this Court. That charge came to be framed against the petitioner by the

Court of Chief Judicial Magistrate vide order dated 02-03-2026 and 30-03-2026 which order was assailed by the applicant before this Court in [Cr. Rev/1213/2026] titled Farooq Abdullah v. State (CBI). That this Court vide order dated 25-04-2026 passed in the aforesaid proceedings, has been pleased to stay the operation of the order framing charge against the petitioner and, consequently, all further proceedings arising therefrom before the learned trial Court, and the matter presently stands sub judice before this Court. That resultantly, as on date, no charge stands operative against the petitioner and no trial proceedings are underway before this Court in view of the stay aforementioned. That the petitioner had applied for issuance/renewal of passport before the Regional Passport Office, Srinagar, vide File No. SGR077426962026. That the Regional Passport Office, Srinagar, vide communication bearing Letter Ref. No. SCN/1054283068/26 dated 08.06.2026, has called upon the petitioner to furnish a suitable explanation together with either a Court acquittal order or a No Objection Certificate from the concerned Court, along with an undertaking in terms of GSR 570(E) dated 25.08.1993, failing which the passport

application of the petitioner shall stand closed without further notice, the said requisition having been necessitated on account of an adverse Police Verification Report referencing the FIR mentioned hereinabove. That since the charge itself, and consequently the trial before this Court, stands stayed by this Court, the petitioner is not in a position to procure an order of acquittal at this stage, the proceedings before this Court being presently in abeyance. That the petitioner has been regularly attending the proceedings before this Court through his counsel and has never absconded or evaded the process of law, nor has any bailable/non-bailable warrant ever been issued against the petitioner. That grant of permission/No Objection Certificate for issuance of passport in favour of the petitioner shall not in any manner prejudice the prosecution or the pending proceedings, the same being presently stayed, and the petitioner undertakes to abide by such terms and conditions as this Court may deem fit to impose, including production/surrender of passport as and when required and appearance before this Court/Investigating Agency as and when called upon. That it is,

therefore, just, expedient and necessary in the interest of justice that this Court be pleased to accord permission/issue a No Objection Certificate to the petitioner, addressed to the Regional Passport Office, Srinagar, enabling issuance of passport to the petitioner."

2. The respondents filed objections to the instant petition and the relevant extract is reproduced hereunder:-

"That the instant case i.e. RC 5(S)/2015-CBI/SCU-V/SC-II/New Delhi was registered in CBI/SC-II/New Delhi on 21.09.2015, in compliance of the order dated 03.09.2015 passed by the Hon'ble High Court of Jammu & Kashmir, Srinagar in PIL No. 08/2014, titled Majid Yaqoob Dar & Anr. V/s. State of J&K & others. Vide the said order, the Hon'ble High Court of J&K transferred the investigation of case bearing FIR No. 27/2012 dated 10.03.2012 registered at PS Ram Munshi Bagh, Srinagar, J&K on the complaint dated 10.03.2012 of Mohammad Aslam Goni, the then Chairman, JKCA against Sh. Saleem Khan, the then General Secretary, JKCA and Sh. Ahsan Mirza, the then Treasurer, JKCA u/s. 120-B, 406 & 409 RPC (Ranbir Penal Code), pertaining to misappropriation of funds of Jammu & Kashmir Cricket Association (JKCA), to CBI.

That after completion of investigation, a charge sheet was filed by the CBI on 16.07.2018 in the Court of Ld. Chief Judicial Magistrate, Srinagar u/s. 120-B RPC r/w 406, 409 RPC and substantive offences thereof against (i) Md. Saleem Khan (A-1) (ii) Ahsan Ahmad Mirza (A-2) (iii) Mir Manzoor Gazanfar (A-3) (iv) Bashir Ahmad Misgar (A-4) (v) Dr. Farooq Abdullah (A-5) (vi) Gulzar Ahmad Beigh (A-6). Accused Mir Manzoor Gazanfar (A-3) & Gulzar Ahmad Beigh (A-6) have been tendered pardon by the Competent Court (Ld. Judicial Magistrate, Srinagar) vide order dated 10.07.2018. That Ld. Court of Chief Judicial Magistrate, Srinagar vide order dated 02.03.2026 has ordered to frame charges against all the accused persons including the applicant Dr. Farooq Abdullah (A-5). On 30.03.2026, Ld. Court of Chief Judicial Magistrate, Srinagar has framed charges against the applicant Dr. Farooq Abdullah (A-5) U/s. 120-B, 406 & 409 RPC and 120-B, 406 & 409 r/w section 109 RPC. That the case is pending adjudication before Ld. Court of Chief Judicial Magistrate, Srinagar & is at the stage of prosecution evidence. Next date of hearing is 27.08.2026. That it is submitted that after completion of investigation, a charge

sheet was filed by the CBI in the Court of Ld. Chief Judicial Magistrate, Srinagar against accused persons including the applicant Dr. Farooq Abdullah (A-5). It is further submitted that the case is pending adjudication before Ld. Court of Chief Judicial Magistrate, Srinagar. That it is submitted that the Criminal Revision Petition filed by the applicant is pending before this Court and is listed for hearing on 15.07.2026. That it is submitted that vide the order dated 25.04.2026, this Court has ordered to keep in abeyance the operation of order dated 02.03.26 & proceedings dated 30.03.26 of Ld. CJM, Srinagar qua the applicant and did not quash or set aside the charges or the criminal proceedings against the applicant. The charges continue to subsist and are subject to the final outcome of the pending Criminal Revision proceedings before this Court. The interim order dated 25.04.2026 of this Hon'ble Court to keep the order dated 02.03.26 & proceedings dated 30.03.26 in abeyance cannot be construed as an exoneration of the applicant or as indicating that no charges exist against him, as charges are still subsisted against applicant accused. That it is submitted that the application has not enclosed any

receipt/application form alongwith the application which shows that he has applied for issuance/renewal of his passport. That it is submitted that the Office Memorandum No. VI/401/1/5/2019 dated 10.10.2019 of Ministry of External Affairs, Govt. of India specifies the procedure to issue passport to a person against whom a Criminal case is pending before a Court of law. It is further submitted that the applicant accused has not enclosed the communication dated 08.06.2026 of RPO, Srinagar alongwith the application. It is further submitted that the applicant is accused of serious offences and keeping in view the severity of punishment prescribed for the offences, there is strong apprehension that the accused may settle abroad and flee from the clutches of law after issuance/renewal of his passport. That it is submitted that Ld. Court of CJM, Srinagar vide order dated 12.03.2026 had ordered to issue Non-Bailable Warrant against the applicant Dr. Farooq Abdullah (A-5). That it is submitted that the accused has not provided any cogent reason for issuance/renewal of his passport and if allowed to issue/renew the passport, then he may misuse such liberty. Keeping in view the severity of punishment prescribed for the

offences there is every possibility that the applicant accused may settle abroad and flee from the clutches of law. That the prosecution is of the view that it would not be in the interest of justice to allow the present application at this stage and there is every likelihood that the applicant may misuse such liberty. That apart from the present reply, the evidence/averment made against the present applicant may be treated as part & parcel of this reply."

3. Heard Ld. Counsel for the revisionist/petitioner and Ld. PP for the CBI and perused the entire record on the file.
4. The petitioner/ revisionist has invoked the jurisdiction of this Court seeking issuance of a No Objection Certificate/ permission to enable the Regional Passport Office, Srinagar, to issue or renew his passport notwithstanding the pendency of criminal proceedings arising out of FIR No. 27/2012 registered at Police Station Ram Munshi Bagh, Srinagar, for offences punishable under Sections 120-B, 406 and 409 RPC. The record reflects that the charge-sheet stands filed before the Court of the learned Chief Judicial Magistrate, Srinagar, and charges were framed against the petitioner. Aggrieved thereof, the petitioner preferred a criminal revision before this Court. By virtue of an interim order dated 25.04.2026, the operation of the order framing charge and the consequential proceedings before the trial magistrate, insofar as they relate to the petitioner/revisionist, have been kept in abeyance. The petitioner submits that the Regional Passport Office has

required him to furnish a No Objection Certificate from the competent criminal Court in terms of the applicable notifications issued under the Passports Act, 1967. It is urged that issuance of such a certificate merely facilitates consideration of his passport application and neither confers an unrestricted right to travel abroad nor dilutes the authority of the criminal Court to regulate his movements. Reliance has been placed upon Notification GSR 298(E) dated 14.04.1976 as amended by GSR 570(E) dated 25.08.1993 and upon the judgment of the Hon'ble Supreme Court in Mahesh Kumar Agarwal v. Union of India & another, 2025 LiveLaw (SC) 1238, to contend that pendency of criminal proceedings does not constitute an absolute embargo against issuance or renewal of a passport where the competent Court grants permission subject to appropriate safeguards.

5. The respondent-CBI has opposed the petition by contending that the petitioner is facing prosecution in a serious corruption case investigated pursuant to directions of the Hon'ble High Court relating to the alleged misappropriation of funds of the Jammu and Kashmir Cricket Association. According to the respondent, although this Court has stayed the operation of the order framing charge qua the petitioner, neither the charge-sheet nor the criminal prosecution has been quashed and the proceedings continue to remain pending. It is further argued that the petitioner had earlier been subjected to coercive process before the trial Court and, having regard to the gravity of the accusations, there exists a reasonable apprehension that issuance of a passport may facilitate his departure from India, thereby frustrating the administration

of criminal justice. The respondent has also referred to the Office Memorandum dated 10.10.2019 issued by the Ministry of External Affairs prescribing the procedure governing issuance of passports to persons against whom criminal proceedings are pending and has submitted that the petitioner has not placed on record all the requisite documents before this Court. It is, therefore, contended that no No Objection Certificate deserves to be issued in favour of the petitioner at this stage.

6. The controversy requires examination in the light of the statutory framework governing passports. Section 6(2)(f) of the Passports Act, 1967 empowers refusal of a passport where criminal proceedings are pending before a criminal Court. However, the Central Government, in exercise of powers under Section 22 of the Act, issued Notification GSR 298(E) dated 14.04.1976 exempting persons facing criminal proceedings from the rigour of Section 6(2)(f), subject to fulfillment of specified conditions. The Notification, as amended by GSR 570(E) dated 25.08.1993, expressly contemplates issuance of a passport where permission is granted by the Court concerned. The Notification further clarifies that the validity of the passport may be restricted depending upon the period specified by the Court and also obliges the passport holder to furnish an undertaking that he shall appear before the criminal Court whenever required during the subsistence of the passport. Thus, the statutory scheme does not impose an absolute prohibition against issuance of a passport merely because criminal proceedings are pending. Rather, it recognizes the supervisory role of the criminal Court in balancing the constitutional right of an individual with the imperative of

ensuring his continued availability during the course of prosecution. The notification is regulatory in nature and is designed to harmonise personal liberty with the due administration of criminal justice.

7. The aforesaid statutory position has now received authoritative exposition from the Hon'ble Supreme Court in *Mahesh Kumar Agarwal v. Union of India & another*, 2025 LiveLaw (SC) 1238. The Supreme Court held that the right to travel abroad forms part of the guarantee under Article 21 of the Constitution and that pendency of a criminal case cannot, by itself, be treated as an absolute impediment to renewal or issuance of a passport. The Court further clarified that the requirement of obtaining permission from the criminal Court under the applicable notification does not necessarily require a contemporaneous proposal to leave India. Rather, the criminal Court may permit issuance or renewal of a passport while retaining effective control over any future foreign travel through bail conditions or specific judicial directions. The distinction between possession of a passport and permission to travel abroad was emphasised, observing that issuance of a passport merely equips a citizen with a travel document and does not automatically authorise departure from India in disregard of subsisting judicial restrictions. Consequently, denial of renewal or issuance solely on account of pendency of criminal proceedings, where judicial safeguards adequately protect the administration of justice, would amount to an unreasonable restriction upon personal liberty.
8. Applying the above principles to the facts emerging from the record, the pendency of the revision petition before this Court

does not extinguish the jurisdiction of this Court to consider the petitioner's request for issuance of a No Objection Certificate. At the same time, the interim stay granted by this Court cannot be construed as an adjudication upon the merits of the prosecution nor as an exoneration of the petitioner from the allegations levelled against him. Equally significant is the circumstance that the petitioner continues to remain on bail pursuant to the orders of the learned Chief Judicial Magistrate, and the conditions of bail expressly prohibit him from leaving the territorial jurisdiction without obtaining prior permission from the competent Court. Those conditions continue to bind the petitioner notwithstanding the pendency of the present revision. Therefore, any No Objection Certificate, if considered appropriate in terms of the statutory notification, would operate only to enable the Regional Passport Office to process the petitioner's application in accordance with law and would neither supersede the bail conditions imposed by the learned Magistrate nor confer any liberty upon the petitioner to travel abroad without obtaining separate permission from the trial Court or such other Court as may be competent in law. The jurisdiction to regulate the petitioner's physical departure from India continues to remain distinct from the administrative act of issuance of a passport.

9. In these circumstances, the legal question is not whether the petitioner should be permitted to leave the country, but whether the statutory exemption envisaged under Notification GSR 298(E), as amended by GSR 570(E), may be invoked without compromising the pending criminal proceedings. The governing notifications, read with the law declared by the

Hon'ble Supreme Court, indicate that issuance of a passport and permission to undertake foreign travel operate in separate legal spheres. Accordingly, if the Court is otherwise satisfied regarding the petitioner's conduct, his continued availability to face proceedings, and the adequacy of existing safeguards including the conditions of bail and the undertaking contemplated by the notification, a No Objection Certificate may be considered for the limited purpose of issuance or renewal of the passport alone, while making it abundantly clear that such permission shall neither dilute the authority of the learned Chief Judicial Magistrate over the pending criminal proceedings nor dispense with the petitioner's obligation to obtain prior judicial permission before travelling outside the territorial jurisdiction or leaving India. Such an approach preserves the balance between the constitutional guarantee under Article 21 and the paramount interest of ensuring the effective administration of criminal justice.

10. What has been discussed herein above the following directions are passed:-

- (i) An NOC is issued to the Passport Officer, Srinagar, with the direction to consider the issuance/renewal of the passport for a period of one year from the date of receipt of this order, subject to the condition that the petitioner/revisionist is not involved in any offence other than the case pending before the court of the Ld. Chief Judicial Magistrate, Srinagar, arising out of FIR No. 27/2012 under Sections 120-B, 406, and 409 RPC, and that no FIR whatsoever for any other offence has been registered against the petitioner/revisionist

within the territorial limits of the Republic of India which debars the issuance of a passport in favour of the petitioner/revisionist.

- (ii) In case the petitioner/revisionist intends to travel outside the territorial limits of the UT of J&K or abroad, the petitioner/revisionist shall seek prior permission from the court of the Ld. Chief Judicial Magistrate, Srinagar to leave the territorial jurisdiction of the court of Chief Judicial Magistrate Srinagar.
- (iii) In case any proceeding pending before the court of the Ld. Chief Judicial Magistrate, Srinagar, or this court is varied or modified against the interest of the petitioner/revisionist, the NOC issued by this court shall stand revoked forthwith.

11. Let a copy of this order be forwarded to Passport Officer Srinagar for information and compliance. The petition is accordingly disposed of and shall form part of the main file.

Announced
16.07.2026

**Addl. Sessions Judge,
Srinagar.**