

MHKO030086702022



RCC No.1518/2022

**Maharashtra State
Vs.
Ijaj Suleman Mujawar.**

Order passed below Exh.No.17.

01) Heard the learned counsel for accused No.01 namely Ijaj Suleman Mujawar Perused the application at **Exh.No.17** and say filed thereof. Applicant further submits for religious purpose he want to visit Umara dated 01/08/2024. This is an application filed by the accused for permission to issuance of passport for tenure of 10 years or more.

02) The learned counsel of the accused submitted that, he is permanent resident of Kolhapur District. He is ready to abide by any terms and conditions that may be imposed by the Court. He has furnished surety in present matter. Therefore, he prayed that, application be allowed.

03) ***Per Contra***, APP filed his say and submitted that, reasonable terms and condition may be imposed while granting this application. Therefore, he prayed that application be allowed.

04) Heard both sides. Perused the record. accused is alleged to have committed an offence punishable **U/Sec.498A, 323, 504, 506, 507, 494 R/With Sec.34 of The IPC**. The accused is permanent resident of Kolhapur. As per notification dated 23/08/1993, the passport of the citizen against whom the proceedings are pending in the Criminal Court in India, shall be issued for a period specified by

the court and if no period is specified the passport shall be renewed for a period of one year. The Hon'ble Bombay High Court in Narendra K. Ambwani V/s. Union of India and others, 2014 (4) Bom. CR 281, wherein directions has been issued in all cases where the Magistrates Court directs renewal/issuance 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 qualigying applicants atleast for ten years.

05) It appears from **Section 6(f)** the Passport Act 1967, that the proceeding in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. Thus, this court is under obligation to give no objection certificate for obtaining passport. Thus, it is clear that intention of accused to travel abroad is bonafide and considering the ruling Notification dated 23/08/1993 accused is entitled to get passport renew / issuance for tenure of 10 years. Hence, this order :

ORDER

01.	The application is allowed.
02.	The accused No.1 Ijaj Suleman Mujawar is permitted to apply for issuance/renewal of passport for the tenure of 10 years and no objection is given for that purpose but subject

	to the Passport Rules and scrutiny thereunder.
03.	The accused to remain present in the court as & when ordered and directed by this court.
04.	The accused shall take prior permission of this court whenever he intend to go out of India.
05.	The accused to inform about obtaining of passport to this court.

sd/-
(Smt.M.S.Managuli),
Judicial Magistrate, F.C.,
Court No.6, Kolhapur.

Date 28/06/2024.

CERTIFICATE.	
I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.	
Name of the Stenographer	Mrs.Kirtee K.Dhere (L.G.)
Name of Court	Smt.M.S.Managuli, 6 th Jt. C.J.J.D. and J.M.F.C., Kolhapur.
Date of Dictation	28/06/2024.
Judgment signed by the P.O. on	28/06/2024.
Judgment uploaded on.	29/06/2024.