

R.C.C. No.118/2024

State Government

Vs.

Vishal Gokuldas Dadmal and others

Order below Exh.12

(Passed on 08/01/2026)

This is an application filed by the **applicant/accused no.7 namely Pratik Rajendra Bramhe** for no-objection for issuance of passport for the period of ten years. Applicant submit that he is permanent resident of Telipura Mangrud, District-Nagpur. The present case is pending against the accused and the matter is fixed for awaiting of summons. Applicant further submitted that he wants to apply for Indian passport but as the case is pending against the accused the government authority will not issue passport to the applicant. So as per Section 6(2)(f) of Passport Act and the office memorandum of Government of India dated 10.10.2019, NOC from concern Court is necessary. Hence applicant prayed for grand NOC for issuing of fresh passport for the period of ten years. Applicant further submitted that as per visa policy of the other countries visa is not issued on passport with short validity. The applicant planning to travel abroad as soon as possible so he filed this application for NOC hence he prayed for allowed the application.

2] Learned A.P.P. objected the application on the ground that offense is serious in nature and the accused has vital role in the present trial. After reading an application it also clear that the applicant has applied for issuance of passport during the verification of police authority they found that the present matter is pending against him. Applicant has not provided necessary document along with the application. The applicant also not supported the copy of order by competent authority for verification so without complying the

necessary due process it is difficult to decide this application. If permission to go abroad is granted, accused will not remain present during trial. Therefore, he prayed for rejection of application.

3] Heard both sides. Learned advocate of applicant submitted that the applicant wants to no objection for issuing of fresh passport for ten years. As per the visa policy of the other countries visa is not issued on passport with short validity. In this regard, he relied on the judgment of Hon'ble Bombay High Court in the Case of **Capt. Amol Wasantrao Kelkar vs. Union of India and others** in Criminal Writ Petition 234/2020 decided on 08.03.2021 it is held that magistrate ought to have assigned reason if he was opinion that renewal of passport of the petitioner had to be granted only of limited period. As per the rules and law laid down by this Court it would necessarily means that the passport of the petitioner would be renewed for period of ten years. Subject to the petitioner satisfying other requirement as per the said Act and rules framed thereunder. He further relied on the judgment of Hon'ble Bombay High Court in the case of **Dipak Chabariya vs. Union of India and others** AIR 1997 BOM-181 it is held that for holding the Indian passport is a fundamental right of applicant and the concern Court decide the application within four weeks.

4] On perusal of document and record. The applicant alleged to have committed offenses punishable under Sections 379, 109, 34 of I.P.C. and Sections 48(7), 48(8) of Maharashtra Land Revenue Code [in short “ MLR Code”] read with Sections 4, 21 Mines and Minerals (Regulation and Development) Act, 1957 [in short “MM Act”]and Section 3 Prevention of Damage to Public Property Act, 1984 [in short “PDPP Act”]. The charge-sheet is filed on 21.10.2024 and there are eight accused in this case. The matter is pending of awaiting of summons and appearance of accused. So, it will take time to conclude

the trial of the case. Considering the nature of offence and as per ratio laid down in **Dipak Chabariya (supra)** it would be proper to allow the applicant to obtain passport. However, applicant wants to issue the NOC for the period of ten years. In this regard, as per ratio laid down in **Capt. Amol (supra)** at the time of issuing of NOC the Court ought to have assigned reasons if he was the opinion that renewal of passport for limited period. In this regard, as considering the facts and circumstances of the case it appears that the offence alleged against the accused are not more serious and the punishment provided for the offence is not more than three years so in this regard, the ratio laid down in **Capt. Amol (supra)** is applicable to the present application and it is necessary to issue the NOC for ten years but subject to the satisfying other requirement as per the said Act and Rules. Further it is also made clear that he shall not travel abroad without prior permission of this court. Hence, I pass following order.

: **ORDER** :

1. The applicant/accused no.7 namely **Pratik Rajendra Bramhe** is permitted to obtain passport for the period of ten years subject to satisfying other requirements as per the Indian Passports Act, 1967 and as per the rules in that regard.
2. The applicant shall obtain permission of this Court by stating his address and duration of stay in the abroad before leaving the country.
3. He shall undertake that his absence will not be the reason of delay in the trial of this case.

Bhiwapur
Date : 08/01/2026.

(S. J. Lad)
Judicial Magistrate, F. C.,
Bhiwapur.