

MHAH010073292023



**ORDER BELOW EXH.26 IN SESSIONS CASE No. 358/2023 :**  
(The State of Maharashtra Vs. Madan Sampatrao Adhav & Ors.)

1. This is an application filed by applicant-accused no.1 **Madan Sampatrao Adhav** seeking for 'No Objection' for issuance of new passport.
2. The applicant-accused is charged for the offences punishable under section 143, 147, 149, 353, 332, 337, 504, 506 of the Indian Penal Code and section 37(1)(3)/135 of the Maharashtra Police Act.
3. The applicant-accused submitted that he is permanent resident of Adhav Vasti, Shree Ragvendra Swami nagar, Bolhegaon, Ahmednagar. He wish to apply for passport and as per the Passport Act, it is mandatory to the person having pending criminal case to obtain “No Objection Certificate” from the concerned Court where his case is pending. Unless he produce such objection from the Court, he would not get such passport from said authority. In aforementioned case, he is an accused no.1. This Court has already released him bail on certain conditions. He has not breached any conditions of bail nor the Court has passed any order against him. He is ready to submit undertaking that he shall remain present for the trial as and when called by the Court and ready to abide by the conditions that may be imposed. It is therefore requested to issue 'No Objection' for issuance of new passport valid for further period of 10 years.

4. On the other hand, Ld. A.P.P strongly resisted the application by filing say below Exh.34. He contended that if the applicant is granted permission to go abroad then he would never turn-up to attend the present case and will protract the proceeding. Ld. APP therefore requested to reject the application.

5. Heard both sides. In view of notification of Ministry of External Affairs, Government of India dated 25.08.1993, for getting a passport by the person against whom a criminal case is pending, the permission of concerned Court is required. For considering the period for which a passport can be obtained, I am guided by the decision of the Hon'ble Bombay High Court in *Mangal Prabhat Lodha Vs. Union of India [2023 (2) BOM.C.R. (Cri) 807]* wherein it is held that the passport can be issued ordinarily for 10 years in view of Rule-12 of the Passport Rules and the reasons shall be recorded for restricting said period. In view of the same, the permission as sought can be granted provided there are other no reason to restrict said period. In so far as present case is concerned, it appears from record that the present case is pending for appearance of some of the accused. Necessary steps are being taken to secure their presence. The trial would take its own time to conclude. There is nothing on record to show that the applicant has breached bail conditions. In such circumstances, the applicant-accused may be granted 'No Objection' to apply for issuance of passport.

6. For the aforesaid reasons, I am inclined to allow present application on certain conditions and accordingly proceed to pass following order :

**ORDER**

1. The application is allowed.
2. Applicant-accused no.1 **Madan Sampatrao Adhav** is granted permission to apply for issuance of passport for the period of 10 years, subject to the provisions of Passport Act and Rules & Notifications issued thereunder by the Ministry of External Affairs, Government of India from time to time.
3. The applicant, after receipt of the passport, shall submit one self attested copy thereof on the record of this Court.
4. The applicant shall obtain prior permission of this Court before proceeding on Foreign tour.
5. The application is accordingly disposed-of.

Date : 30/09/2025.

( **Rajesh M. Tayade** )  
Additional Sessions Judge,  
Ahmednagar.