



ORDER PASSED BELOW EXH.44 IN R.C.C. NO.230/2021
(Shadab Bhikan Shah V/s. Hasina Ahmed Shah and Others)
(CNR No.MHAH060006652021)

Applicant Hasina Ahmad Shah and Hina Kausar Shah, both resident behind Avhad Building, Wagh Vasti, Shirdi, Tal. Rahata, Dist. Ahmednagar, have filed this application for seeking permission of this Court, for passport. It is contended by applicants that they are intending to visit Saudi Arabia, Mecca City for their religious purpose for the period from April 18 to May 18, 2026 so they need of passport. Hence, they want to apply for the passport. Accordingly, they have prayed for grant of permission and no-objection certificate of this Court for issuance of the passport.

2. On receiving of this application call say of I.O and Ld. A.P.P. The I.O and Ld.A.P.P has filed his say and submitted that, offence is registered against is serious in nature. The offence is serious in nature. There may be possibility of to absconding the accused if permission of issuing passport is granted if application is allowed trial may be prolong. Hence, prayed to reject the present application.

3. I heard Ld. Advocate Shri. B. B. Autade appearing for applicants and Ld. A.P.P. Shri. S. R. Madhekar for the State.

4. On going through the record and say thereon, it appears that the present criminal case is registered against the applicants and the investigation is in initial stage. Investigation officer issue notice to the all accused as per the provision of Code of Criminal Procedure. Applicants are ready to attending the Court during trial after filing of charge-sheet. Having regards to the reasons mentioned in this

application, it would be just and proper to accord him the permission to obtain the passport in view of Section 6(2)(f) of the Passport Act. I would like to quote following Judgments rendered by the Hon'ble Bombay High Court,

I - *Deepak Dwarkasing Chhabria Vs. Union of India and another reported in AIR 1997 Bombay 181.*

II - *Shyam Dwarkadas Chabira Vs. Regional Passport Officer and another 2000 ALL MR (Cri.) 1498.*

In the above referred authorities, their Lordships have laid down that there is no bar to the criminal Court to issue No Objection Certificate to the accused for obtaining Passport, with respect to pendency of the criminal case. The applicant accused have only sought for N.O.C. for issuance of their Passport and nothing more and therefore, in such circumstances by imposing necessary conditions, the Criminal Court can issue No Objection Certificate in favour of the accused. Thus, in the light of above observations of their Lordships in the cases cited supra, I pass the following order :-

ORDER

1. Application is allowed.
2. Applicant Hasina Ahmad Shah and Hina Kausar Shah, are permitted to go abroad and to obtain the Indian Passport from the competent authority, subject to following conditions that -
 - I. They shall furnish complete and detail itinerary of their foreign visit.
 - II. They shall also furnish the complete and detail address of

their residence in the foreign nation during their visit.

Place : Shirampur.
Date : 06/04/2026.

(J. D. Jadhao)
Judicial Magistrate First Class,
Court No.1, Shirampur.