

MHAH13000  
6122022



**ORDER BELOW EXH-51 IN SESSIONS CASE**

**NO.57/2022.**

**(State of Maharashtra Vs. Ansar Babamember @  
Abdulnabi & ors. )**

By way of present application, applicant/accused No.9 Ajj Altaf Pathan has sought permission for no objection in issuing passport to him under section 6(2)(f) of the Indian Passport Act, for travel him abroad in future.

2. Perused the application and say Exh.55. Heard Learned Counsel Shri. A.R. Pathan for the applicant/accused and Learned APP Shri. M.S. Kale for the state/prosecution.

3. Learned Counsel for the applicant submitted that the applicant is facing trial for the offence punishable under sections 353, 332, 504, 506 of the IPC and under sections 37(1)(3)/135 of the Maharashtra Police Act.

4. So far the trial is yet to commence and that the applicant wish to travel abroad for visiting holy place of Muslim religion, i.e., Hajja and Umrah at Makka Madina. Though the applicant was having passport, however validity of the same was expired in the year-2020. Now, the passport is due for renewal and as per Section 6(2)(f) of the Indian Passport Act, the applicant is in requirement of permission of this court for renewal of such passport due to pendency of present case. That, he would abide by the terms and conditions which may be imposed by this court while traveling abroad. Hence, the application may be allowed.

5. On the contrary, Learned APP has submitted that as the present case is pending against the applicant in this court of session, only this court is having jurisdiction to try and entertain the present application. The reason mentioned for renewal of passport is not supported by documentary evidence. The present offence is serious in nature. The accused will left the country if such no objection would give him to renewal of passport. Hence, the application may be rejected.

6. At present the applicant is seeking permission of only renewal of his passport. There is no prayer for permission to travel abroad. It is the contention of the applicant that he wish to travel abroad as a pilgrim at holy place of Muslim religion, i.e., Hajja and Umrah at Makka Madina.

7. No doubt, the applicant is entitled for renewal of passport. At the same time, it is necessary to consider that, the applicant cannot be permitted to travel abroad by blanket order and he would require to take prior permission of this court whenever he wish to travel abroad by submitting detail schedule priorly. In my view, there would be no impediment for giving no objection to the applicant for renewal of passport with above clarification. Hence, I pass following order :

### **ORDER**

1. Application Exh.51 in Sessions Case No.57/2022 is hereby allowed, and accordingly, the applicant/accused is hereby permitted to apply for renewal/issuance of passport, subject to following conditions :

2. It is hereby made clear that “No Objection” of this court to renew passport would not consider, as any directions to the concerned passport authorities for issuance or renewal of passport. The application for renewal/issuance of passport shall be decided strictly on merits.
3. The applicant would required to apply for the permission to travel abroad whenever occasion so arises.
4. If he obtained passport, the applicant shall not make misuse of passport to flee away from justice.
5. The applicant/accused shall obtain a specific order of no objection for renewal/issuance of the passport from the concerned court if any other case is pending against him.
6. This application is disposed off in above terms.

*((Dictated and pronounced in open court))*

Date : 06.11.2024.

(Vinod Y. Jadhav)  
Addl. Sessions Judge, Newasa  
JO Code : MH002455