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| <u>ORDER BELOW EXH. No.33 IN</u> <u>R.C.C.NO.309/2020.</u> <u>(State of Maharashtra Vs. Yogesh Shivaji</u> <u>Chawre)</u> | MHAH150016472020  |
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This is an application filed by accused namely Yogesh Shivaji Chaware. Through this application, accused seeking permission to issue passport.

2. The learned APP has filed his say overleaf of the application. He submitted that, matter is part heard as one witness has been examined before court and therefore, during trial identification of accused is necessary. Issuing of passport is under the domain of passport authority as per the notification, 1993 and provision and rules of Passport Act, 1967. Programme of foreign tour has not been given by accused in his application. Therefore, if accused will remain absent trial will be detrimental. Hence, application is opposed.

3. Heard learned advocates of respective parties at length.

4. Perused the application and say. The accused is facing trial for the offence punishable under Sec. 3/25 of Arms Act. The accused is released on bail. The document prima-facie shows that accused filed application for passport before concerned authority. The trial against the accused is begun and two witnesses were examined. The case is pending for presence of further witnesses. In present application accused not prayed for permission to go abroad but, he prayed for permission to obtain passport. Also, he submitted that, he will attend the case by remaining present in the court will abide by the conditions which the court may impose. The accused is having right to go abroad and it is his fundamental

right. The accused is on bail. The trial begin without attendance of accused, if the accused should not challenge his identity during the course of trial. The objection raised by Ld. APP can be cured by imposing appropriate conditions on the accused. Hence, considering above circumstances I pass following order.

ORDER

1. The application is allowed.
2. Accused has granted permission to obtain passport subject to following conditions:
 - a. He shall file affidavit of his Ld. Advocate showing readiness and willingness to conduct the matter in his absence.
 - b. He shall file affidavit informing his overall plan to travel outside the India whenever he wants to travel alongwith dates.
 - c. He shall inform and take permission from the court before going to abroad and after coming from there.
 - d. Accused to inform his telephone number and mobile number to this court.
3. Accused to take precautions that due to his absence trial will not protract or in his absence, the hearing of this case will not be disturb.

Newasa.
Date: 19/12/2025.

(Smt. S.Y.Sul)
Judicial Magistrate First Class,
(Court No.2), Newasa.