

MHAH210002892020



Ruksana Akib Sayyad
Vs.
Akib Babasahab Sayyad and ors.

ORDER BELOW EXH.26 IN CRIMINAL M. A. NO. 52/2020

The applicant/respondent No.02 Babasaheb Kadar Sayyad has filed the present application under section 6(2)(f) of the Passport Act, 1967, for issuance of no objection certificate for the purpose of issuance of passport.

02] It is the contention of applicant/respondent No.02 that, he is permanent resident of Misgar Chal 38, Baraskar Colony, near Jalal Shah Darga, Tal. and Dist. Ahmednagar and he earns his livelihood by digging graves in a cemetery. The applicant/respondent No.02 intends to go to Saudi Arabia for the Hajj pilgrimage. As a present criminal case is pending against the said applicant, there is a legal impediment to issuing a passport. Therefore for issuance of passport in the name of applicant/respondent No.02 he required "No Objection Certificate" from the concerned Court. Consequently, the present application has filed by the the applicant/respondent No.02. The applicant is also ready to abide conditions that may be imposed by the Court. Hence, prayed for allowing present application.

03] The learned advocate for the applicant has filed a say on the overleaf of the present application and has

stated that they have no objection to allowing the same.

04] Heard the both parties and considered their submission. Perused the record and proceedings.

05] Record shows that the present proceeding pertains to the application filed under Section 12 of the Protection of Women From Domestic Violence Act, 2005 and in said proceeding applicant arraigned as respondent No. 02.

06] In the case of '**Deepak Dwarkasingh Chabariya Vs. Union of India, AIR 1997 Bom. 181**', it is observed that,

“in view of the notifications issued by the Central Government, the citizens against whom criminal cases are pending are exempt from the operation of section 6(2)(f) of the Passport Act pertaining to the grounds for refusal of passport for the reason that proceedings are pending in the criminal court in India, provided such citizens produced order from the concerned court permitting them to travel abroad subject to the terms and conditions mentioned in the notification. It is further held that pendency of criminal cases is not a bar to renewal of passport if the applicant/respondent No.02 obtains permission from concerned criminal court for travel outside India.”

07] Taking into consideration the ratio laid down in the case of **Deepak Dwarkasingh Chabariya** (supra), there could be no doubt that until the applicant/respondent No.02 gets no objection from this Court, he is unable to get passport. However, issuance of passport in the name of the applicant/respondent No.02 should not become any hurdle in this proceeding and the question of granting permission to the applicant/respondent No.02 to go to Saudi Arabia for the Hajj pilgrimage is needed to be pondered upon. The applicant/respondent No.02 is under obligation to provide all details of his foreign journey before he leaves the Country.

08] Considering the reason mentioned in the application, I found no hurdle in granting no objection to the applicant/respondent No.02 to get passport from the Competent Authority. Therefore, the present application is deserves to be allowed. Hence, I pass the following order:-

:- ORDER :-

- 1] The application is hereby allowed.
- 2] This Court has No Objection for issuance of passport to the applicant/respondent No.02 namely Babasaheb Kadar Sayyad, subject to prevailing rules and conditions.

- 3] Applicant/respondent No.02 shall furnish copy of passport and travel tickets in the court before departure.
- 4] Applicant/respondent No.02 shall furnish his detail program of departure and arrival.
- 5] Applicant/respondent No.02 to intimate this court his place of residence in abroad.

(Dictated and pronounced in open Court.)

Date:-01/10/2025.

Place:- Jamkhed.

Sd/-

(Anushri B. Phand)

Judicial Magistrate First Class,
(Court No.02), Jamkhed.