

C. C. No.1755/Misc./2024.

Naeema V/s. State

(Order below Exh.01)

04.10.2024

1. The applicant Naeema Kattal Hundekare filed this application for permission for renewal of passport. Ld. APP filed say on overleaf of said application and opposed it.
2. From perusal of record it appears that, applicant is a accused alleged to have committed offence punishable under Section 324,323,504,506 r/w 34 of IPC. It also appears that, the applicant is bail out and matter is for appearance of other accused persons. Yet, charge is not framed. The applicant has filed on record copy of her Aadhar card, verified copy of her passport. It reveals from said documents that, passport was in existence for the period from 08.01.2015 to 07.01.2025. It is stated by applicant that, due to pendency of the case she has to get permission for renewal of passport.
3. Considering the submission made by the applicant and having heard Ld. Counsel for the applicant, it is observed that, applicant has only prayed for renewal of passport. In case of Abbas Hatimbhai Kagalwala V/s. State of Maharashtra & others, the

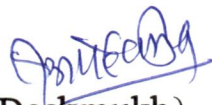
Hon'ble High Court held that Petitioner was already issued passport and he was seeking renewal and then after relying upon the decision of the Hon'ble Apex Court in Criminal Appeal No. 1342 of 2017, the Hon'ble High Court has asked the Respondent authority to proceed the application of petitioner therein.

In view of the above, for renewal of passport, permission from the Court where a criminal case is pending against the petitioner, it not necessary, if a criminal case is pending, then only limitation would be, the petitioner cannot travel abroad without the permission from the Court where a criminal case is pending against the petitioner. The situation in case of Abbas Kagalwala (Supra) is identical to the present matter. The applicant is already having passport, now she is just seeking of its renewal. Hence, pass following order :-

### ORDER

1. The passport authority shall proceed the application of the applicant/accused in accordance with the Passport Act and Rules for renewal of passport without insisting for permission of this Court. If the accused is traveling abroad then she would be required to seek permission from this Court.
2. The application is disposed off with no order as to cost.

Kurla, Mumbai.  
Date : 04/10/2024

  
(Dipak R. Deshmukh)  
45<sup>th</sup> Judicial Magistrate(First Class),  
Kurla Court,, Mumbai.