

MHAU030049152021



**ORDER BELOW EXHIBIT NO.1 IN SCC NO.2640/2021**

**[Date:-19.10.2022]**

The State of Maharashtra  
**Vs.**

Hafij Ullah Khan Sohel Jaka Ullah Khan

1. The present application filed by accused No.3 Mansoor Nabi @ Sheru S/o. Ata Un Nabi Siddiqui for direction to the Regional Passport Authority to reissue the passport for 10 years in accordance with the provision of the Indian Passport Act r/w. G.R. dtd.25.08.1993 issued by the Ministry of External Affair and Government of India.
2. This application is opposed by the Ld. APP by filing his say.
3. It is to be noted that, the accused Mansoor is charge-sheeted along with two other co-accused for the offence punishable under Section 341, 323, 504 r/w. 34 of IPC in the offence bearing crime No.526/2020 registered with City Chowk Police Station, Aurangabad. In this case charge-sheet was filed on 20.01.2021 and since then matter is pending for appearance of the accused persons.
4. It is contended that, Government of India had issued the passport bearing No.J8872326 to the applicant. Its validity is from 18.08.2011 to 17.08.2021. The applicant is in need of the passport for performing Haj/Umrah pilgrimage. Therefore, in accordance with the

directions of the passport authorities he has moved this application. In support he assured to be abide by all conditions of this court. The Ld. APP has opposed the application stating that, accused may abscond in future. Therefore, prayed for rejection of application.

5. The accused for the purpose of re-issuance of the passport he has relied on judgment of our *Hon'ble Bombay High Court in the case of Narendra K. Ambawani Vs. Union of India* in W.P. No.361/2014 and *Samip Nitin Ranjwani Vs. Union of India*, Writ Petition No.12784/2016 Dtd.30.11.2016. I have carefully read these judgments. Both of the judgments provides the guidelines for issuance of passport to the accused against whom criminal cases are pending.

6. In the judgment of *Narendra K. Ambawani (cited supra)* the Hon'ble Division Bench issued guidelines to be followed by the passport authority on the receipt of application for renewal of passport which is observed in paragraph 10 and 11 these guidelines reads as under :-

*(a) In all cases where the Magistrate's court directs renewal of the passports under the Rules, the Passport Rules 1980 shall apply and passports other than for a child the case may be from the date of its issue. All qualifying applicants are entitled to have passport renewed for at least ten years. The Regional Passport Office shall renew the passports of such qualifying applicants atleast for ten years.*

*(b) In case where the passports are valid and the applicants hold valid visas on existing passport, the Regional Passport shall issue the additional booklet to the same passport provided the applicant had obtained permission to travel abroad.*

*(c) If the learned Magistrate passes an order making the reference to said Notification No.GSR.470 dated 26<sup>th</sup> August, 1993, the passport shall be renewed only for such period that the Magistrate may specify in the order*

*or otherwise specified in the said Notification where the passport of the applicant is valid for less than one year, the additional booklet may be issued subject to the orders to be obtained in this behalf only of the Magistrate concerned.*

7. Accused is charged for the offence punishable under section 323, 504, 506 read with 34 of the Indian Penal Code. Matter is fixed for Appearance of accused. Applicant/accused No.3 is permanent resident of the Aurangabad vicinity and considering the nature of offence there is no possibility of absconding. The accused assured that, he will not leave India without prior permission of this Court. The present application is filed only in respect of renewal of passport. Therefore, in view of guidelines in *Hon'ble Bombay High Court in Narendra K. Ambawani Vs. Union of India* in W.P. No.361/2014 no prejudice will be caused if the application is allowed subject to certain conditions. In result I pass the following order.

**ORDER**

- 1] Application is allowed.
- 2] As per guidelines issued by Hon'ble Bombay High in W.P. No.361/2014 in the case of Narendra Ambawani Vs. Union of India the Passport Authority shall renew the passport of the applicant for the period of 10 years under Rule 12 in case there is no other legal impediment.
- 3] The applicant shall not leave India without prior permission of this Court.

Date:19.10.2022

(S. P. Bedarkar)  
Judicial Magistrate F.C.  
(Court no. 3), Aurangabad.

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Stenographer : Anil B. Rathod, (Stenographer Grade III)

Court Name : Shri. S. P. Bedarkar,

Judicial Magistrate F.C. Court No.3, Aurangabad.

Date : 19.10.2022

Signed by presiding officer on : 19.10.2022

Uploaded on : 20.10.2022