

**Common order below Exh.90 in RCC No.765/2012, Exh. 249 in RCC No.1936/2012 and Exh.231 in RCC No.1937/2012**

1. These are applications for permission to renewal of passport.
  
2. It is contended by the applicant and accused, Quadri Syed Abdul Gaffar that the aforementioned criminal cases are pending for trial. The Government of India had issued passport bearing K4073219 in the name of the applicant. The said passport is required to be renewed for the purpose of travel abroad. In view of notification of Government bearing No.570-E dated 25.08.1993 facility of the passport can be availed with permission of the Court in which the criminal case is pending. It is prayed that the regional passport officer Ministry of External Affairs Government of India, Mumbai may be directed to renew the passport for the period of 10 years.
  
3. The complainant filed say and given no objection for renewal of passport. Heard learned advocate for the applicant. He has submitted on record judgment of **Hon'ble Apex Court in Vangala Kasturi Rangacharyulu Vs. Central Bureau of Investigation in Criminal Appeal No(S). 1342/2017; order dated 27-09-2021** wherein the applicant was convicted for the offences punishable under section 120-B, 420, 468, 471, 477-A of the IPC read with section 13(2) r/w 13(1) of the Prevention of the Corruption Act. The application of the applicant for renewal of the passport was not entertained due to pendency of the Criminal Appeal. The Hon'ble Apex Court held that, the passport authority cannot refuse renewal of the passport on the ground of pendency of the Criminal Appeal and directed the passport authority to

renew the passport without raising objection relating to pendency of the Criminal Appeal in the Hon'ble Apex Court. In another judgment the Hon'ble High Court, Bombay Bench at Aurangabad in Abbas Hatimbhai Kagalwala Vs. The State of Maharashtra and Anr. Writ Petition No.384 of 2019; order dated 23<sup>rd</sup> August, 2022 the petitioner had applied for renewal of the passport. Said application was not entertained for the reason that the petitioner should obtain permission of the Court where the criminal case is pending against the petitioner. The Hon'ble High Court observed that in view of notification dated 25.08.1993 and section 6.2F of the Passport Act, 1967 permission of the court; where criminal case is pending against the petitioner; for the purpose of issuance of the passport is required and not for renewal of the passport.

4. In view of the above discussion, I hold that permission of this Court is not required for renewal of the passport. Hence, the order.

#### **ORDER**

1. The applications are rejected on the ground that permission of this Court is not required for renewal of the passport of the applicant.
2. Orders be placed in the respective files.

Date :14/11/2022.  
Place: Aurangabad.

(M.R.Deshpande)  
Chief Judicial Magistrate  
Aurangabad.

## C E R T I F I C A T E

I affirmed that the contents of this P.D.F. file order are same, word to word, as per the original Order.

Name of the Stenographer	:	Vilas K. Chavan, Stenographer Grade-II,
Court	:	C.J.M., Aurangabad
Date	:	14/11/2022
Order signed by the presiding officer on	:	14/11/2022
Order uploaded on	:	14/11/2022