

MHAU080005112015



**R.C.C./1000066/2015**  
**State of Maharashtra**  
**Vs.**  
**Habib Abdul Abdul Raheman**

**ORDER BELOW EXH. 104.**  
**(Passed on Dated -05.02.2025)**

. Applicant Abdul Mashhood Mughees Muhammadi, moved this application for grant of permission to get passport from Ministry of External Affairs, Government of India.

2. It is submitted that, applicant is resident of Village Ajintha, Tq. Sillod. As against applicant one criminal case bearing No. RCC 66/2015 under Section 143, 147, 149, 447, 427, 323, 504, 506, 468 and 471 of the IPC, which is arisen out of crime No. 111/2024 registered with Ajintha Police Station is pending in this Court. The accused is released on bail and matter is put up for evidence of prosecution. As such, as against present applicant, no other case is pending.

3. The applicant is permanent resident of Village Ajintha Tq. Sillod and he is from respectable family having landed and commercial properties in the jurisdiction of this Court. The applicant has applied for issuance of renewal passport. But, because of the very case pending against him, no objection and necessary permission of this Court is required. Hence, this application is filed. Pendency of any criminal case is not ground to reject prayer of issuance of passport.

4. Applicant is Muslim by religion. He is going abroad i.e. Saudi Arabia for performing pilgrimage called Umrah and Hajj. The applicant is ready to abide by condition whichever may be imposed by this Court. As per the notification of Ministry of External Affairs bearing notification No.

GSR570(E) Dated 25.08.1993 accused having pending criminal case but with permission fresh passport can be issued and passport issued can be renewed. This notification exempts Indian National from the operation of provision of clause (f) of Section 6(2) of the Passport Act, 1967 against whom criminal proceeding is pending the criminal Court of India. Hence, it is prayed for granting the very application.

5. The say of PSO Ajintha police station and Ld. APP was called upon. Accordingly, both have filed their say at Exh.105 and 106 respectively. PSO Ajintha police station contended that, if, the applicant is permitted to go abroad, he is unlikely to attend the Court for trial purpose. If, applicant assures Court as to remaining present before the Court during the course of trial, appropriate order may kindly be passed.

6. Learned APP S.B.Sapkal opposed the application contending that, if, the accused is permitted to go to abroad he is likely to abscond. He did not attend the Court, the trial shall be prolonged unnecessarily. Hence, it is prayed for rejecting the very application.

7. It is evident that, applicant is residing in the very jurisdiction of this Court at Ajintha whereat, he is having his movable and immovable property and he is having his root in society at large. Hence, there is no reason to believe that, he shall not attend the court if he is permitted to go to abroad for religious pilgrimage. Pending criminal case against any person does not disentitle him from enjoying his fundamental right to profess his religion. Right to worship is fundamental right of every citizen and it can not be taken away only because there is pending case against him.

8. The way, order sheets of present pending case against accused shows that, the very case is pending for the evidence of prosecution. The charge against applicant is framed vide Exh. 63 on dated 01.02.2019 and

since then, prosecution could not examine single witness. The accused is having right to speedy trial and prosecution can not sleep idly without examining witnesses before the Court within reasonable period. It appears that, accused is not responsible for the pendency of the very case. Hence, he is entitled to get permission cum no objection to get his passport renewed and to go to abroad. Accordingly, following order is passed.

**ORDER**

- |           |   |  |
|-----------|---|--|
| <b>1.</b> | The application Exh.104 is hereby allowed in following terms. |  |
|           | <b>A.</b>   | Applicant Abdul Mashhood Mughees Muhammadi is hereby permitted to get passport from Ministry of External Affairs, Government of India on following conditions. |
|           | <b>i)</b>   | He shall inform this Court as to his foreign tour and his stay in foreign country prior leaving India.   |
|           | <b>ii)</b>  | He shall submit particular of his proposed foreign tour to this Court.   |

Date -05.02.2025

**(Kailas T. Adhayke)**  
Judicial Magistrate, F.C., Sillod.

**:-CERTIFICATE:-**

I certify that the contents of this **PDF** File are word to word as per Original Order.

Name of the Stenographer	:- R D Pawar,
Name of the Court	:- Judicial Magistrate F.C., Sillod.
Date	:- 05.02.2025
Order Digitally signed by Presiding officer on	:- 06.02.2025
Order Uploaded on	:- 06.02.2025

**Sd/- xxx**  
Stenographer Grade-III.