

MHAU080006342026



Cri.M.A./74/2026

Shaikh Mohammed Khalil Pashumiyan Vs. State of Maharashtra

ORDER BELOW EXH. 01

Applicant Shaikh Mohammed Khalil Pashumiyan, who is accused No. 07 in case bearing R.C.C. No. 105/2015 which is pending in this Court, applied for permission for renewal of passport under Section 6(2) of Passport Act for the period of 10 years.

02. It is submitted that, the applicant is having his passport vide No. C7497779 issued on 09/01/2025 and the same has been expired on 08/01/2026. As such, it is necessary to renewal the same for performing Haj/Umrah. He is ready to abide by law and undertake that after said period, he will marked his presence before the Court. Lastly, he prayed to allow the application and to give directions to passport authority to renew his passport for the period of ten years.

03. The say of I.O. and Ld. A.P.P. was called upon. I.O. filed and prayed for appropriate order. Ld. A.P.P. sumbitted that, the matter is pending for evidence. If the application is allowed, then there is possibility of his absconding or non returning to India. Lastly, prayed to reject the application.

04. Perused the application, say thereon and record in hand. It appears that, the case bearing R.C.C. No. 105/2015 is pending against accused. Upon perusal of the record of R.C.C. No. 105/2015, it is seen that, the applicant is appeared in that matter and furnished his surety. The said

matter pending for the evidence.

05. Applicant wants to renewal his passport to go to abroad for attending sacred religious pilgrimage, which is fundamental right of every citizen and the same can not be curtailed only because of the pendency of any criminal case. It is not the case of the state that, applicant is convicted by any competent Court earlier. Even it is not the case of the state that, he is habitual offender committing offences regarding the unity, integrity and sovereignty of the nation. Pending case is not ground to deny permission to the Indian national to renewal passport. Hence, applicant can not be deprived of his fundamental right to renewal his passport to go to abroad. The way, applicant is entitled to seek permission to renewal his passport as prayed for. Accordingly, I pass following order :-

ORDER

- i. Applicant Shaikh Mohammed Khalil Pashumiyan is permitted for renewal of his passport vide No. C7497779 for ten years.
- ii. If applicant decides to go to abroad, he is under obligation to inform this Court and shall submit complete and detail itinerary of his foreign visit.

Date : 02/04/2026.

(K. T. Adhayke)
Judicial Magistrate F.C.,
(Court No. 01), Sillod.