


MHAU110011442019 	<u>ORDER BELOW EXH.89 IN</u> <u>R.C.C NO. 143/2019</u> <u>(State Vs. Santosh Mahajan and others)</u>
---	---

Through this application applicant/accused No.5 **Sham Santosh Mahajan** is praying permission of court to obtain passport to go to Japan for official work purpose. The offence leveled against accused is punishable under section 143, 147, 148, 326, 324, 323, 504, 506 read with 149 of Indian Penal Code.

2. The Ld. A.PP. filed his say on the application and resisted the application. The application does not state the reason for which the passport is required. The case is for evidence. If the application of the accused No.5 is approved, there is a strong possibility that the accused No.5 will flee abroad. Hence prayed for rejection of application.

3. Perused application, say, heard advocate for accused & Ld. APP. Present application is for issuance of passport and not for travel. Only issuance of passport does not authorize him to travel abroad and hence, he cannot flee from India.

4. Sec.6(2)(F) provides that, if any criminal case is pending or any offence is alleged to be committed by person then

passport authority can refuse to issue passport or renew passport as per sec.5(2)(c) of passport Authority Act, 1967. However, under section 22 of passport Authority Act, empowers Central Govt. to issue notification in public interest, subject to conditions and thereby exempt any person or class of persons from the operation of all or any of the provision of this Act or the rules made thereunder.

5. Notification dated 25th August 1993, issued by ministry of external Affairs exempts citizen of India, from operation of provision of Sec.6(2)(f) of the Passport Authority Act against whom proceedings in respect of an offence is pending before a criminal Court in India, after producing order from the concern Court, permitting him to issue passport.

6. In Landmark judgment, Maneka Gandhi V/s. UOI. Hon'ble SC held that "right to travel abroad is a part of personal liberty U/A 21 of te Constitution of India".

7. Accused ask permission for issuance of passport. At this stage permission for issuance of passport only can be given, Hence I permission to issuance of passport can be granted to applicant. Hence, I pass following order :-

<u>ORDER</u>	
1.	Application is allowed.

2.	No objection to issue passport for 10 years.
5.	The applicant shall give an undertaking in writing to the passport issuing authority that, he shall appear before concern the court during continuance of passport.

**Date : 26/09/2025
Phulambri.**

**(Chandrakant R. Patil)
Judicial Magistrate F.C.
Phulambri**