

**Sessions Case No.183 of 2025**

**State of Maharashtra**

**V/s.**

**Karan Raosaheb Khomane and another**

**ORDER BELOW EXH.32**

Accused No.2 Abasaheb Vithhalrao Shirsat has filed this application for grant of permission from this Court for obtaining Passport. He has submitted that as per the provisions of the Passport Act, if criminal case is pending against a person intending to obtain passport, has to obtain permission from the concern Court. Therefore, he has filed present application and lastly prayed that he may be permitted to obtain the passport.

[2] Notice was issued to the Regional Passport Office. In response to the said notice the said office has filed its written reply (Exh.36), wherein the said office has not raised any objection for grant of permission, but submitted that Court may pass any appropriate order.

[3] The Ld.A.P.P has submitted that the written "Say" filed by the Regional Passport Office may be considered as "Say" of the prosecution.

[4] In the matter of **Venkatesh V/s. Paramesh 2011 CR.L.J. 1526 (Karnataka High Court)**, the Hon'ble High Court observed that Court cannot restrict a person from exercising his statutory power that he can have passport, but, that does not mean that he can travel anywhere or everywhere and fly to foreign country

without taking permission of the Court for getting the bail conditions imposed relaxed.

[5] It appears that the applicant wants to go for tourism out of the India. Moreover, as held in the above mentioned case laws *Venkatesh V/s. Paramesh* and *Shyam Dwarkadas Chabria V/s. Regional Passport Officer* (supra), mere taking passport does not mean that a person accused can leave the country without permission of the court. However, he has right to obtain passport when he can go abroad subject to the terms and conditions imposed by the court. Therefore, in the circumstances looking into the purpose of obtaining passport, I am of the opinion that at this juncture the applicant/accused cannot be denied from obtaining passport. However, it is made clear that the applicant/accused should obtain permission of the court before leaving a jurisdiction of India. I, therefore, pass the following order. :-

### **ORDER**

- (1) Application is allowed.
- (2) The applicant is granted permission to obtain passport.
- (3) Issue letter accordingly to the concerned police station.
- (4) It is made clear that the applicant/accused should obtain permission of the court before leaving the jurisdiction of India.

**(S.B. Bahalkar)**

Date:- 12.03.2026

Addl. Sessions Judge, Gangapur