

Summary Criminal Case No. 19/2022.
State of Maharashtra V/s. Irfan & others.
CNR No : MHBI060000882022.

ORDER BELOW EXH - 27.

Through this application applicant/accused Inayat Momin Pathan is praying permission of court to visit abroad. The offence levelled against accused is U/s. 12A of Maharashtra Prevention of Gambling Act. I have called the say of Ld. A.P.P. who objected the application on ground that, if accused is permitted to visit abroad, he may fled away and will not turn for trial.

02. Having heard the rival submissions I am to state that, the liberty of accused to travel aboard which is guaranteed by article 19 of our Constitution can not be curtailed. However, the reasonable conditions can be imposed. Further, it is the engraved principle of criminal jurisprudence that, unless and until the accused proved to be guilty he has presumption of innocence. In such circumstances the denial of permission for passport would be a jolt to his right of freedom which is guaranteed by article 19, as well as, article 21 of the Constitution.

03. Further, the Ld. Counsel for accused assured the Court by filing his undertaking that he will conduct the trial in absence of accused. In addition the accused also has filed his permanent contact number and e-mail ID to ensure that whenever his present will require, he will appear before Court by virtual mode. The accused also has filed his affidavit about his properties situated within the jurisdiction of this Court and undertook that whenever his presence will require he will

attend the Court virtually as well, physically. Hence, I do not find any reason to restrain the accused from exercising his right under Article 19 and 21 of the Constitution. Hence, I reckon to pass following order;

:: ORDER ::

- 01.** Application is allowed.
- 02.** The accused is permitted to travel abroad.
- 03.** The Ld. counsel for the accused shall proceed with the case in absence of accused and he shall give under taking to that effect.
- 04.** Accused shall submit his contract number alongwith e-mail ID in order to secure his presence by virtual mode.
- 05.** Accused shall not leave territory without prior intimation of Court.
- 06.** The accused to file detail of any property situated within jurisdiction of this Court, if required for attachment.

Place : Ambajogai.
Date : 04/07/2024.

(Z. Z. Khan)
Judicial Magistrate, F.C. (Court No. 01),
Ambajogai (MHBI06-2196)

:: Certificate of Stenographer ::

“I affirm that the contents of this PDF file are word to word as per original Order.”

Dictated On : 04/07/2024.

Transcribed On : 04/07/2024.

Checked & Signed On : 04/07/2024.

Date : 04/07/2024.

Place : Ambajogai.

Sd/-

(Akash Kabne)

Stenographer (Grade – 3)

Jt. C.J.J.D. & J.M.F.C., Ambajogai.