

ORDER BELOW EXH. NO.3 IN S.C.C.NO.639/2020
(CNR NO.MHBI030019612020)

- 1) This is an application filed by the accused no. 1 namely Jaker Ibrahim Kureshi for permission to issue passport in his name. The learned APP has filed say below this application.
- 2) Perused application as well as say. Heard. It is the contention of present accused that, he is permanent resident of Phule Nagar, Parli vaijinath, Tq. Parli vaijinath, District Beed. He has movable and immovable properties at Phulenagar, Parli Vaijinath. He is intending to travel abroad for Huj/Umra pilgrimage. However, the permission of this Court is required for issuance of the passport as the present case is pending against him. He will obtain the necessary permission to travel abroad. But, he needs passport for that purpose. Accordingly, he prayed to allow the application. The learned A.P.P has contended that time for travel in abroad was not mentioned in this application. If permission will granted to the accused there are no chances of his return back. The case would be pending before the court. Therefore the court shall not proceed with further trial of this offence. Hence, prayed to reject the application.
- 3) Charge-sheet shows that accused alleged to have committed the offence punishable under section 188, 269 and 270 of the Indian Penal Code, under section 51(B) of the Epidemic Act, 2005. It also seems that, accused is already released on bail. Thus, the presence of accused in the present case is not urgently warranted. The accused has immovable properties within the in jurisdiction of this court. The question remains about issuing of no objection by this Court to issue passport. At this juncture, I conveniently refer the Judgment of Honourable Bombay High Court in **Deepak Chhabariya Vs. Union of Indian reported in AIR 1997 Bom. 181** wherein the reference of Government Notification dt. 25/08/1993 is referred. The rules are

framed in the cases where the accused is facing the trail in the criminal case and who intends to get passport or renewal of passport or intending to travel abroad. In the light of the said notification and observations in the above judgment, permission of this court to issue passport is necessary as he is accused in the present case. The accused has stated on oath that he will file the application to travel at abroad. Similarly, he is not likely to abscond as he has immovable properties at Phulenagar, Parli vaijinath, Tal. Parli Vaijinath, Dist. Beed. Therefore, permission can be granted. Accordingly, I pass following order.

ORDER

1] The application is allowed.

2] Issue no objection certificate to the passport authority for issuance of passport to the present accused no. 1/applicant named Jaker Ibrahim Kureshi.

3] The passport authority shall do needful in view of the observations made by the Honourable High Court in the case of Deepak Chhabriya Vs. Union of Indian reported in AIR 1997 Bom. 181.

4] It is hereby directed to the accused that, without prior permission of this court he should not leave from India.

Parli Vaijinath
Date: 27.06.2023

(D.V. Gaikwad)
3rd Judicial Magistrate First Class,
Parli Vaijinath

