



Sessions Case No. 56/2022  
State X Shyam Ekade + 70  
CNR-MHBU04-001040-2022

**ORDER BELOW EXH. 89**

Date of Order : 23<sup>rd</sup> January, 2026

Accused Nos. 1 to 71 are facing trial for the offences punishable under Sections 307, 395, 435, 436, 452, 332, 353, 336, 337, 338, 143, 147, 148, 149 of the Indian Penal Code, 1860, Section 4, 25 of the Arms Act, 1959 and Section 135 of the Bombay Police Act, 1861. In this case accused No. **5 Sarfaraj Beg Masoom Beg** has filed present application to give direction to the Passport Office to issue Passport and VISA to the applicant to go to abroad i.e. for Makka Madina.

2. Ld. A.P.P. Mr. P.T. Lahudkar has filed say overleaf the application and resisted the application. It is contended that matter is pending since 2008. Due to absence of accused no charge has been framed till today. Therefore, if the application is allowed then applicant/accused No. 5 will not attend the Court. Application is not supported with the document.

3. Heard Ld. Advocate Mr. S.S. Badgujar, for the applicant/accused No. 5 as well as Ld. A.P.P. Mr. P.T.

Lahudkar for the prosecution. Perused the application, say and record and proceeding.

4. The record shows that accused Nos. 1 to 71 are facing trial for the offences punishable under Sections 307, 395, 435, 436, 452, 332, 353, 336, 337, 338, 143, 147, 148, 149 of the Indian Penal Code, 1860, Section 4, 25 of the Arms Act, 1959 and Section 135 of the Bombay Police Act, 1861. It shows that, the presence of all accused is not secured and due to it charge is not framed. Consequently, trial is yet to commenced. Therefore, considering the reason of application, it would be just and proper to permit the applicant to go to the abroad for Makka Madina for the period of February, 2026 to October, 2026 on availability of registration. In such circumstances, though the prosecution has resisted the application, but on imposing certain conditions if the application is allowed then the prosecution will not be prejudiced. Hence, application deserves to be allowed. In result, I pass the following order :-

### **ORDER**

1. The application Exh. 89 is allowed under :-

- 1.1. Applicant/accused No. **5 Sarfaraj Beg Masoom Beg** is hereby permitted to go abroad i.e. Makka Madina for the period of February, 2026 to October, 2026.
  - 1.2. Applicant/accused No. **5 Sarfaraj Beg Masoom Beg** shall apply to the Passport Authority to get passport and VISA as per rules and the Passport Authority to decide his application as per rule.
2. After receipt of passport and Visa the applicant shall give information to this court to travel abroad and shall report the Court after coming back to India and attend each date of hearing.
3. His Advocate shall attend the Court in his absence.

Khamgaon.  
Date – 23/01/2026.

**(G. B. Jadhav)**  
Additional Sessions Judge,  
Khamgaon.

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**CERTIFICATE**

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of the Court : Additional Sessions Judge,  
Khamgaon.

Name of the Stenographer : Miss H.D Chaudhari,  
Stenographer Grade I.

Date of Order : 23/01/2026.

Date of Uploading : 23/01/2026.