

MHBU150016982016

**ORDER BELOW EXH.33 IN R.C.C. NO.109/2017**

1] The accused No.2 Rajendra Madhusudan Gupta has filed present application seeking the relief of granting permission for issuance of passport.

2] It is the contention of accused that, he is facing the trial of the offence punishable U/s. 354, 354-A,354-B, 323, 506 r/w. 34 of the Indian Penal Code and the same is pending before this court. The applicant/accused further contends that, he intends to travel abroad i.e to Dubai for the purpose of site seeing. He is unable to go there in absence of passport. Therefore, he prayed for granting permission of for issuance of passport.

3] The Ld. APP filed say overlap of the application and opposed. Ld. APP contends that, application is strongly opposed. Hence, the same rejected.

4] Heard learned Advocate for accused No. 2 and learned A.P.P. for state. Perused the record & documents filed on record i.e Electricity bill, 7/12 extract, Tax receipt, Ration card, Driving license, PAN card, Tax receipt and his Aadhar card which are xerox copies.

5] Perusal of record shows that, offence punishable U/s. 354, 354-A, 354-B, 323, 506 r/w. 34 of the Indian Penal Code is levelled against this accused. It seems that accused is facing the trial which is at the stage of framing of charge. The case is pending since last 5 plus years. The reasons for permission for granting the passport to travel abroad/Dubai are appears to be genuine one. In the given set of facts and

circumstances of the case. This Court has only no objection for accused No. 2 to travel abroad as per his schedule. Accused No. 2 not to abscond and to appear court dates punctually after completion of scheduled programme. It is the Passport Authority under the Passport Act to look out the verification of the passport as per rules. In such circumstances, it would proper to grant permission for issuing the passport as prayed. Hence, the following order is passed -

ORDER

1. The application is allowed.
2. The applicant/accused No. 2 Rajendra Madhusudan Gupta is hereby permitted to issue the passport from the concern authority under The Passport Act.
3. Applicant is also directed to submit his entire programme of foreign tour with the details after issuing the passport by the authority.
4. Applicant is directed to follow the conditions scrupulously and also to follow the directions of the passport authority as per rules and procedure.
5. In breach of any condition this permission is liable to be cancelled without any notice to accused no. 2.

Sd/-

Shailesh U. Kanthe
Judicial Magistrate First Class,
Deulgaonraja.

Date. 06/12/2022

I *Rupesh Ashok Dandge*, Stenographer of (J.M.F.C. Deulgaonraja,) affirm that, the contents of this PDF are same words for words, as per the original Order.