

COMMON ORDER BELOW EXH. 37 -

By this application, the applicant/accused no.2 namely, Ramkrishna Jagannath More is praying to give permission for issuance of passport. In the application it is contended that, the applicant/accused no.2 wants to apply for issuance passport.

02. Further it is contended that one criminal case bearing R.C.C. No. 85/2025 is pending against him for offences punishable u/s. 324, 323, 341, 504, 506 r/w. 34 of IPC. The said applicant is accused no.2 in the abovesaid crime. Accordingly, the applicant/accused no.2 has filed the application for permission to apply for the passport. It is also submitted by the applicant/accused no.2 that he does not want to leave the country now he is just applying for passport as he is willing to visit foreign for study of agriculture. He undertakes to inform the Court the details of his foreign visit if any and also to abide all the conditions those may be imposed. Hence, he has filed the present application.

03. Heard the Ld.Advocate for the applicant/accused no.2 and Ld. APP. Considered their submissions.

04. In the case of '**Deepak Dwarkasingh Chabariya Vs. Union of India, AIR 1997 Bom. 181**', it is observed that, "*in view of the notifications issued by the Central Government, the citizens against whom criminal cases are pending are exempt from the operation of section 6(2)(f) of the Passport Act pertaining to the grounds for refusal of passport for the reason that proceedings are pending in the criminal court in India, provided such citizens produced order from the concerned court permitting them to travel abroad subject to the terms and conditions mentioned in the notification. It is further held that pendency of criminal cases is not a bar to renewal of passport if the applicant/accused/accused obtains permission from concerned criminal court for travel outside India.*"

05. The advocate for the applicant/accused no.2 argued that as the applicant is willing to visit foreign for which passport is necessary for him and also obtain the permission from the Court as the case is pending against him.

06. Taking into consideration the ratio laid down in the case of *Deepak Dwarkasingh Chabariya* (supra), there could be no doubt that until the applicant/accused no.2 gets permission from this Court, he is unable to apply for passport. However, there is no hurdle in this proceeding if applicant applies for passport, and, the question of granting permission to the applicant/accused no.2 to travel abroad is needed to be pondered upon. The applicant/accused no.2 is under obligation to provide all details of his foreign journey before he leaves the Country in case he is leaving the Country. Considering the submissions I found no hurdle in granting permission to the applicant/accused no.2 to apply for passport from the Competent Authority. Subject to condition that, the applicant/accused no.2 shall furnish his undertaking that, after he gets his passport issued, he shall not leave the territory of India without permission of this Court. Hence, I proceed to pass the following order:-

ORDER

1. The application is allowed.
2. The applicant/accused no.2 shall submit the certified true copy of his passport in the Court as and when he gets it.
3. The applicant/accused no.2 shall furnish his undertaking that, after he gets his renewed passport, he shall not leave the territory of India without permission of this Court.
4. The application stands disposed of.

Sd/-

(R.D. Pawar)

Date: 06.08.2026

Judicial Magistrate First Class, Dondaicha.