

MHDH070020732020



**ORDER PASSED BELOW EXHIBIT 20 IN S.C. C.**  
**649 of 2020**

(State Versus Chandmal Bastimal Jain and  
others)

The applicant/accused No. 10 has preferred this application seeking the permission of this court, in order to obtain the passport. It is contended by the accused that the offence is registered against him under section 12-A of the Prevention of the Gambling Act. In this matter bail is granted to him. That the applicant/accused wants to travel abroad for picnic and amusement. In the absence of passport, It will not be possible to go to abroad as the case is pending against him. Accordingly, he prayed for grant of permission for issuance of passport.

2. The learned APP has objected to give the permission on the ground that case is pending for hearing. It may cause delay. Hence, application be rejected.

3. I heard learned Advocate Shri. N. A. Chavhan for the applicant / accused No. 10 and learned APP Shri. D. A. Mali.

4. It has been held by Hon'ble Bombay High Court in the case of **Deepak Dwarkasingh Chhabria Vrs. Union of Indian and another 1996(2) M.L.J.877** that mere pendency of criminal case is no ground to reject the application for passport if the applicant obtains permission from the criminal court for traveling outside the India.

5. The accused No. 10 is already enlarged on the bail. Having regards to the contention of the applicant/accused that he need

passport for picnic and amusement purpose. In view of the ratio laid down by the Hon'ble Bombay High Court in the case of Deepak(supra), it would be just and proper to accord him the permission to obtain the passport, in view of the Sec. 6 (f) of the Indian Passport Act. Hence, in result thereof, I pass the following order.

**ORDER**

1. The accused no. 10 is permitted to obtain the passport from the concerned department, subject to condition that he shall intimate this Court well in advance, as and when he is intending to visit the abroad for the purpose of the service and obtain the necessary permission from this court.
2. The Passport Authorities are at liberty to issue the passport as per rules and regulations.

Shirpur.  
Date : 02.11.2023

( M. Y. Rane )  
Judicial Magistrate F. C. Shirpur,  
(Court No. 3) Dist. Dhule.