

ORDER BELOW EXH.09 IN CRI.APPEAL NO.18/2022

Perused application and heard Adv. Bhadupote. By this application, accused Rahul Singhania who was convicted by the trial Court in RCC No.153/2017 dated 29-04-2022 is seeking permission of this Court to renew the passport from the Passport Authority. In short it is the contention that, an application was filed for renewal of the passport, however, pendency of criminal case remained to be mentioned in it. Hence, the Passport Authority had kept the same in abeyance. The accused wants to visit abroad for expending his business and will return back to India.

2. Adv. Bhadupote submitted that on getting the knowledge of pendency of the Criminal Appeal against conviction, the Passport Authority asked the accused to bring permission from the Court. Hence, application is moved. By recent judgment the Hon'ble Bombay High Court in *Abbas Hatimbhai Kagalwala vs the State of Maharashtra, WP NO.384 of 2019 decided on 23-08-2022*, by relying on the authority of *Vangala Kasturi Rangacharyulu VS Central Bureau of Investigation Criminal Appeal No(s).1342/2017 (SC)* held that there is no any necessity to obtain permission of the Court in whose Court the case is pending for renewal of passport. The relevant observation in *Vangala (supra)* are quoted below:

Admittedly, at present, the conviction of the appellant appeal stands still the disposal of the criminal The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.

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3. In view of the above observation, I am of the view that, there is no any necessity of obtaining permission from the Court for renewal of passport. Therefore, the application is not tenable. The Passport Authority to take decision in view of the observation and the dictum of law laid down in the above referred authorities. Hence, I proceed to pass following order:

ORDER

1. Application Exh.09 is rejected.
2. The Passport Authority to take decision in view of the above observation.

Gondia.
Dated.28-12-2022

(N. B. Lavte)
Ad-hoc Additional Sessions Judge-2,
GONDIA.

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