

ORDER BELOW EXH.NO.14

The Shrikant Dabale accused no. 10 and Hemantkumar Lilhare accused no. 15 filed application for grant of permission to avail passport facilities to them.

The accused no. 10 and 15 submits as under:

2. The applicant/accused submitted that they are law abiding citizens. They want to go to on foreign tour i.e. to Thailand with their friends between month of November-2019 to January-2020. The said tour is near about 15 days and accused are ready to provide full detail of their tour prior to leaving Tirora. The applicants/accused are not habitual offenders and only the present single offence is registered against them. The present matter is pending against the applicants/accused. Yet matter is not posted for evidence and it will take considerable time to dispose off.

3. That due to the present criminal case is pending against applicants/accused the Passport Authority will not issue passport in favour of applicants/accused without permission of this Court. The applicants/accused are having fixed abode at above mentioned address within Territorial Jurisdiction of this Court and they also having immovable property in their names. The parents of applicants/accused are also residing within Jurisdiction of this Court. Applicants/accused lastly prayed for allowing of this application.

4. I have called say of investigation officer. In his say he submitted that against the applicant/accused no. 15 Hemant Lilhare another crime no. 637/2018 for the offence punishable u/s. 379 read with 34 of I.P.C. is registered and its investigation is in progress. Therefore the investigation of crime no. 637/2018 will be affected if the permission given to applicant/accused no. 15 Hemant Lilhare to go to abroad. Therefore

investigation officer prayed for rejection of application.

5. The applicants/accused advocate relied on **Dipak Dwarkasing Chhabria Vs. Union of India reported in 1996 (2) Mh.L.J. 877**. In above case Hon'ble Bombay High Court held that merely pendency of criminal case no ground to reject application for grant of passport. If applicant obtains permission from the Criminal Court where his case is pending. The authority is duty bound to issue passport in terms of order of criminal Court, subject to condition of notification dtd: 25/08/1993. It is also the duty of authority to bring the relevant notification to the applicant's notice to enable him to apply for permission.

6. Considering the above observation of Hon'ble Bombay High Court. The Court can give permission to accused to avail facility of passport. In present case both the accused are resident of Jurisdiction of this Court and they also have immovable property within the Territorial Jurisdiction of this Court. In support of their contention they have filed verified copy of 7/12 extract of their immovable property. In such circumstances I am inclined to allow the present application. The investigation officer in his say submitted that there is another crime no. 637/2018 is registered against the accused no. 15 Hemant Lilhare in Police Station, Tirora. Therefore the accused no. 15 Hemant Lilhare is also required to take permission to avail facility of passport from that Court in which that charge-sheet is filed for crime no. 637/2018. Hence I proceed to pass following order:

ORDER

1. The application is allowed.
2. Accused no. 10 Shrikant Dabale and accused no. 15 Hemant Lilhare are granted permission to take passport.

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3. Accused no. 10 and 15 are directed to inform dates of their journey to abroad in advance to this Court before leaving abroad.
4. Accused no. 10 and 15 are directed not to cause any hindrance in the trail because of their absence and would co-operate the prosecution is also.
5. They shall undertake that they would proceed with the trail without disputing their identity and would seek exemption on the date of their absence.

Place : Tirora.
Date : 28/11/2019

(**P. P. Yadav**)
J.M.F.C