


MHJN040007182009 	RCC No.500115/2009 State Vs Nayum & Ors.
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ORDER BELOW EXH.75

(Passed on this 24th December, 2025)

Applicant/accused No.3 Ayyub Mahammadkha Pathan moved this application for grant of permission/no objection for issuance of passport and permission to go abroad. Learned APP filed say and opposed the application. He submitted that the accused committed serious offence. If the accused is permitted to go abroad then there is absolute possibility of absconding and he will not turn up before this Court. Hence, he prayed to reject the application.

2] Heard learned APP and counsel for the applicant. Perused the record. Learned Advocate orally submitted that the applicant/accused intends to go to abroad. The passport authority is not issuing the passport to the applicant due to present case filed against him. Hence, he prayed to grant permission for getting the passport.

3] It is relevant to go through the case of *Deepak Dwarkasingh Chabriya vs. Union of India, AIR 1997 Bombay 181.* Hon'ble High Court observed that in view of the notification issued by the Central Government, the citizens against whom criminal case is pending are exempted from the operation of Section 6(2)(f) of the Passport Act. In view of that notification, the Hon'ble Bombay High Court held that the Court can grant permission to the accused to go abroad and the Passport Authority shall accordingly issue necessary Passport or travel document to the applicant for visiting any foreign country in view of the provisions of Passport Act, 1967.

4] On perusal of record, it appears that the accused charge-sheeted for offence punishable under Section 324, 323, 452, 504, 143, 147 of the Indian Penal Code and Section 35 of Bombay police Act. Present accused is permanent resident of Dungaon, Taluka Ambad, District Jalna. Hence, in view of ratio laid down in the Judgment (supra) permission for issuance of passport can be granted. However, the applicant has not mentioned specific period for which he wants to go abroad. Therefore, he has to apply separately with all details of his trip, for the purpose of seeking permission to travel. Hence, following order is passed.

ORDER

1. Application is partly allowed.
2. Permission/NOC is granted to the applicant/accused No.3 Ayyub Mahammadkha Pathan to prepare passport.
3. The Passport Authority shall issue necessary passport in view of the above permission on necessary compliance being made by the applicant as per the provisions of the Passport Act and rules framed thereunder.
4. The Applicant shall file undertaking to remain present in the Court on each dates of hearing.
5. Accused will seek necessary permission of the court before going abroad.

Date : 24/12/2025

Judicial Magistrate First Class
Court No.1, Ambad

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original Order.

Name of Steno : S.M. Sapkal

Name of the Court : Judicial Magistrate,F.C., Ambad

Date : 24.12.2025

Sd/-

Signature of Stenographer