

MHJN060003832024

RCS No. 40/2024**Bank of Maharashtra -V/s- Sy. Rafiyoddin****ORDER BELOW EXH. 08**

1. This is an application filed by applicant under Section 5 and 6 of The Passport Act 1967, praying permission of court to obtain passport for traveling in abroad. Bank of Maharashtra filed suit against Applicant Sayyad Rafiyoddin for recovery of amount of Rs.2,02,615/-.
2. I have called the say of Plaintiff, but plaintiff has failed to filed to say. Hence, no say order passed on 13.09.2024.
3. Having heard the submission and considering and after perusal of record, I am to state that, the liberty of person to travel abroad, which is guaranteed by Article 19 of our constitution can not be curtailed. However, reasonable conditions can be imposed. Further, it is cardinal principal of criminal Jurisprudence that unless and until accused proved to be guilty, he has presumption of innocence. Present matter is pending for hearing. In such circumstances the denial all permission for the passport could be a jolt to the applicant right of freedom which guaranteed by Article 19 as well as Article 21 of The Constitution of India. If the applicant is ensuring his presence before the court on the dates of hearing and will not protract the proceeding of this

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matter on the reason that he had went abroad, then applicant can be granted permission. The object behind seeking permission is to notify to the court that, concern applicant is planning to visit foreign country. Therefore, by imposing appropriate conditions applicant is granted permission to obtain passport. Hence, I reckon to pass following order.

O R D E R

1.	Application is hereby allowed.
2.	The applicant i.e. Defendant No.01 Sayyad Rafiyoddin Sayyad Amir in present case, permitted to obtain for passport.
3.	The learned counsel for the applicant shall proceed with the case in absence of applicant and he shall gave undertaking to that effect in this case.
4.	The applicant shall obtain the permission from court before going abroad or before applying for VISA.
5.	Applicant shall remain present in the court during course of hearing and further proceedings and actions taken by plaintiff with respect of present matter.
6.	Informed to concerned officer of Bhokardan Police Station, Dist. Jalna accordingly.

Date: 25/09/2024.

Place: Bhokardan

(C.S. Deshpande)
Jt. C.J.J.D., Bhokardan.