

Regular Criminal Case No.66/2014
(CNR No.MHKO110002982014)

Order below Exh.52

(C.R.No.55/2013 of Shirol MIDC Police Station)

1. This is an application filed by the applicant/accused No.1 - Amar Shantaram Nakate for seeking necessary direction to Passport Authority for extension of passport validity for 10 years. The application is supported by his affidavit.
2. The Ld. A.P.P. for the State has filed his say and submitted that, as per the directions given in the Writ Petition No.361/2014 by the Hon'ble High Court, Bombay, the accused is entitled to renew the passport for further 10 years. Hence prayed for appropriate orders.
3. Perused the application and say filed by the Ld. A.P.P. of the State. Perused the record and proceedings i.e. C.R.No.55/2013 in Reg. Cri. Case No.66/2014. Accused No.1 is on bail. The matter is for appearance of other accused.
4. On perusal of application, say, record of the case, submission of both Counsels, it reveals that, the accused is alleged to have committed offences punishable under Sections 392, 411 read with Section 34 of the Indian Penal Code, 1860. The matter is fixed for appearance of remaining accused. It will take some time to dispose off the matter finally.
5. As per Section 6 (f) of the Passport Act, if the criminal matter is pending in the Court, the Court can give permission to the accused to go abroad.

6. The normal period under relevant Rule 12 of The Passport Rules, 1960 is 10 years or 20 years. The Passport Authority has right to Renew the passport as per the terms and conditions of The Passport Rules. In the present case, the accused No.1 wants to go for trip for certain days. He is ready to attend Court proceedings after his arrival. As the Court has already given 'No objection' for his foreign trip from the period 18/07/2019 to 24/07/2019. Hence the application is disposed off accordingly.

Peth-Vadgaon
Date - 09/07/2019.

Sd/-
(J. S. Gaikwad)
Judicial Magistrate F.C.(Jt. Court),
Peth-Vadgaon

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(C.R.No.55/2013 of Shirol MIDC Police Station)

1. This is an application filed by the applicant/accused No.1 - Amar Shantaram Nakate for seeking necessary direction to Passport Authority for extension of passport. The application is supported by his affidavit.
2. The Ld. A.P.P. for the State has filed his say and submitted that, permission be granted to the accused on condition that, the matter will be proceeded in his absence.
3. Perused the application and say filed by the Ld. A.P.P. of the State. Perused the record and proceedings i.e. C.R.No.55/2013 in Reg. Cri. Case No.66/2014. Accused No.1 is on bail. The matter is for appearance of other accused.
4. On perusal of application, say, record of the case, submission of both Counsels, it reveals that, the accused is alleged to have committed offences punishable under Sections 392, 411 read with Section 34 of the Indian Penal Code, 1860. The matter is fixed for appearance of remaining accused. It will take some time to dispose off the matter finally.
5. As per Section 6 (f) of the Passport Act, if the criminal matter is pending in the Court, the Court can give permission to the accused to go abroad. In the present case, the charge is yet to be framed against the accused persons. The matter is pending for appearance of remaining accused persons, therefore, the trial is yet to

be started and it could not be concluded in a coming few days. As Ld. A.P.P. has raised objection, but such objection can be secured by imposing certain conditions while granting no objection for renewing passport facility.

6. Considering the record of the case, reasons and urgency of accused for going abroad, there would be no hurdle to give No Objection for renewing passport of the accused by Passport Authority on certain conditions. Hence, I pass following order -

ORDER

1. The application is hereby allowed.
2. The Court has 'No Objection' to renew the Passport Facility to the applicant/accused No.1 – Amar Shantaram Nakate.
3. The applicant/accused No.1 is hereby permitted to depart from India for his trip from 18/07/2019 to 24/07/2019.
4. The applicant/accused No.1 shall produce the copy of passport in this Court.
5. The applicant / accused No.1 is directed to remain present before Court on every date unless his exemption is specifically granted.

Peth-Vadgaon
Date - 09/07/2019.

Sd/-
(J. S. Gaikwad)
Judicial Magistrate F.C.(Jt. Court),
Peth-Vadgaon

I affirm that, the contents of the P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Sou.K.S.Gaikwad
Name of the Court	J. S. Gaikwad, Judicial Magistrate F.C.(Jt. Court), Peth-Vadgaon
Date of Dictation	09/07/2019
Order signed by the P.O. on	09/07/2019
Order uploaded on	10/07/2019