

MHKO120001382006



Reg. Cri. Case No.40/2006
(CNR No.MHKO120001382006)

Order below Exh.677

This is an application filed by applicants i.e. accused No.34 – Shri. Sayaji Bapuso Desai, No.46 - Nirmala Sayaji Desai for seeking permission to apply for obtaining the passport.

02. The applicants are accused Nos.34, 46 respectively in this case which is for the offences punishable under Sections 408, 420, 422, 423, 463, 464, 465, 468, 477(A), 120(B) of Indian Penal Code. The case is pending for framing of charge. During the pendency of the present case, the applicants filed this application and contended that, they want to go abroad due to their professional reasons and for that purpose they needs to apply to passport authority for obtaining passport. But due to the present case they want to proceed further with prior permission of the Court. Hence, this application.

03. Perused the application and say of Ld. A.P.P. overleaf of this application and say of I.O. at Exh.680. Heard, Ld. advocate for applicant and Ld. A.P.P. for the State.

04. Ld. advocate for applicants submitted that they will follow each and every condition imposed by the Court and they will not hamper the criminal proceeding. Ld. A.P.P. filed his say and

submitted to allow the application by imposing conditions. I.O. filed say vide Exh.680 and submitted that, the applicants will not attend the Court proceeding. He sought for the rejection of application.

05. The record shows that, the applicants are permanent resident of Gargoti, Tal. Bhudargad. In the present case, the charge against accused persons is yet to be framed. The trial will take its own time to get completed. Accused are ready to abide conditions. But, in these circumstances, I do not deem fit to allow permission of passport for 10 years. The permission for one year would suffice the purpose. Hence, I do not see any reason to reject the prayer of applicants. In result, the application is partly allowed in following terms. Accordingly, I pass the following order.

ORDER

1. The application is partly allowed.
2. The applicants i.e. accused No.34 – Shri. Sayaji Bapuso Desai, No.46 - Nirmala Sayaji Desai are permitted to apply for passport, subject to the prevailing rules and conditions.
3. The applicants to obtain necessary permission of the Court prior to traveling abroad.

Date : 03/12/2024

(V. V. Kulkarni)
Judicial Magistrate First Class,
Gargoti