


MHKO150004652023 	<p style="text-align: center;"><u>Order below Exh. 9 in R.C.C. No. 58/2023</u></p> <p style="text-align: center;">State vs. Akash Patil</p>
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1. This is an application filed by accused of R.C.C. No. 58/2023 pending before this court for granting permission to him for taking passport and going to abroad.

2. According to accused, he is accused in R.C.C. No. 58/2023. The case was pending for evidence. He wanted to go abroad for tour purpose. For that, he has applied before passport authority. His application was came at police station for inquiry. The police has requested him for taking permission of this Court. Therefore, accused has filed this application.

3. The Ld. A.P.P. filed his say. According to Ld. A.P.P., he has no objection to give permission on condition.

4. Heard the Ld. advocate Shri. D. J. Desai for applicant and the Ld. A.P.P. Shri. S. B. Kamble for state.

5. On perusing record it appears that, the R.C.C. No. 58/2023 is pending since 14.09.2023. The case is pending for evidence. The present applicant / accused has prayed for permission for taking the passport. It is pertinent to note that, the applicant / accused has wanted permission for going abroad. The **Hon'ble Bombay High Court in A.I.R. 1997 Bombay 181 Deepak**

Dwarkasingh Chhabria Vs. Union of Indian and another held that, an application of passport is not liable to be refused on the ground of pendency of criminal case if, applicant obtains permission from the concern Criminal Court for traveling outside India.

6. On perusing the application it appears that, the applicant / accused has prayed for permission for getting passport. In this circumstance, considering the above situation, in my view for taking passport it needs to be given permission on conditions. Hence, I pass the following order,

ORDER

1. The application is partly allowed.
2. Permission is granted to applicant / accused for getting passport and traveling outside India till further order.
3. The accused is directed to proceed in matter through his advocate in his absence.

Date : 15/09/2023.

(S.P. Jadhav)
Judicial Magistrate, F.C.
Ajara.