

MHTH030045962021



Regular Criminal Case No.1090/2021

State of Maharashtra
Thanenagar Police Station

Vs.

Mr. Shamsundar Radhesham Agarwal and
others

ORDER BELOW EXH.231

By this application, the applicant has prayed for getting return his passport bearing No. H6749214 which is in the custody of Nazar Department. The applicant is original accused No.4 and was charge under section 403, 406, 420, 468, 469 and 471 of the Indian Penal Code, 1860.

2] The applicant states that the applicant has submitted his original Passport No. H6749214 vide Exh.31 on 14/06/2017 in the safe custody of Nazar. In the present matter the applicant filed an application for discharge below Exh.56 which was rejected by order dated 06/06/2024. Thereafter applicant filed Criminal Revision Application challenging the order passed below Exh.56 which is allowed vide order dated 07/11/2024 wherein applicant is discharged from the offence under section 420, 467, 468, 470, 471, 120-B of the Indian Penal Code. Hence, applicant prayed to allow the application.

3] Learned APP has filed his say on application that he has no objection to return the passport to applicant on certain terms and conditions.

4] Heard both sides. On the background of controversial submissions from both sides, I have carefully gone through the entire

material placed on record of this case. Upon perusal of the same, it appears that the accused is arrested in present crime No.201/2016 registered with Thanenagar Police Station as per offences punishable under Sections 403, 406, 420, 468, 469 and 471 of the Indian Penal Code, 1860. Moreover, the chargesheet is already filed against accused. The learned Advocate for applicant has submitted documents viz. Photocopy of passport, certified copy of Exh.31 of Special ACB No.11/2017 and certified copy of final order passed in Criminal Revision Application No.80/2024. After perusing the order in Criminal Revision application No.80/2024, it shows that applicant is discharged of the offences punishable under section 420, 467, 468, 470, 471, 120-B of the Indian Penal Code. If the passport is not returned to the applicant then he will suffer a great inconvenience as well as hardship. It would be therefore proper to return said passport to the applicant. Accordingly, I pass following order.

ORDER

1. Application Exh.231 is hereby allowed.
2. The Nazar Department, District Court, Thane is hereby ordered to return the passport bearing No.H6749214 to the applicant.
3. Applicant to undertake that he will not leave the country without prior permission of this Court, he will attend each date and remain present when called.
4. He is specifically directed not to take disadvantage of this order to prolong the matter and to undertake that his Advocate will represent him regularly and will not

challenge his identity if is in question.

Thane
Date : 29/07/2025

sd/-
(P. D. More)
Chief Judicial Magistrate, Thane