

CNR No.MHNB03000903-2021

MHNB030009032021



IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
AT -Nandurbar, DIST. Nandurbar
(Presided over by Dr R.N.Gaikwad)

Order Below Exh. 76 in R.C.C. No. 81/2021.
(Passed on 19th October, 2024.)

State of Maharashtra

.... Prosecution

V/s.

Dilip Rohidas Patel and Ors

.... Accused

01] Heard Mr. K.H. Sawale Ld. Advocate for the accused no.3 namely, Kailas Bhagwan Patel.

02] This is an application made by the accused no.3 namely, Kailas Bhagwan Patel to seek the permission and direction to Nandurbar Upnagar Police Station and passport office. Accused no.3 has submitted that he is permanently residing at village Rakaswadi, Post Palashi, Tal. and Dist. Nandurbar. He is having immovable and movable properties at there. He is an agriculturist and also doing medical practice as a doctor. He intends to apply for getting passport to Passport Office. In that purpose police inquiry will be held by Nandurbar Upnagar Police Station. Police required permission and direction from this Court for the pendency of this criminal case. The passport office is also required permission of the court in respect

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of pendency of the criminal case.

03] Ongoing through the application and arguments advanced by Ld. Advocate for accused, it seems that the accused want direction to Nandurbar Upnagar Police Station and passport authority for pendency of this case.

04] In the case of *Shayam Chabria V/s. The Regional Passport Officer reported in 2000(2) Bom.C.R. 602* it has been held that-

Para no. 8 :-- *A bare reading of this notification makes it clear that an application for passport is not liable to be refused on the ground of pendency of criminal case if the applicant obtains permission from the concerned Criminal Court. After noting the said notification, this Court observed as under,*

“ In view of the aforesaid notification by the Central Government, it is clear that the citizens against whom criminal cases are pending are made exempt from the operation of section 6(2)(f) provided. They produce orders from the concerned Court permitting them to travel abroad subject to the terms and conditions mentioned in the notifications. In other words, an application of passport is not liable to be refused on the ground of pendency of criminal case if the applicant obtains permission from the concerned Criminal Court for traveling outside India. The passport authority, therefore can not reject the application for passport mechanically on the ground of pendency of criminal case against the application.”

05] In view of the above observation, passport Authority can not refuse the applicant's application for passport on the ground of pendency of

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criminal case. As per the above observation and considering the application of accused, direction can be given to police and Passport Authority subject to following conditions.

- a) Accused no.3 namely, Kailas Bhagwan Patel shall not go abroad without the prior permission of this court.
- b) He shall attend the court regularly on every date. An accused is residing within the jurisdiction of Nandurbar Upnagar Police Station, direction is also given to and Nandurbar Upnagar Police Station.

06] As per the conditions mentioned in the Notification of Central Government, Passport shall be issued to accused for the period of one year. Thereafter, he can be further renewed for one year at a time.

07] As above conditions and discussion, I proceed to pass the following order.

:: ORDER ::

1. Application at Exh. 76 is allowed.
2. Nandurbar Upnagar Police Station and Passport Authority is hereby directed to take necessary steps for granting passport application of accused no.3 namely, Kailas Bhagwan Patel.
3. This Court is giving permission to grant passport application of accused no.3 namely, Kailas Bhagwan Patel subject to aforesaid conditions.

Place : Nandurbar.
Date : 19.10.2024.

(Dr. R. N. Gaikwad)
Addl.Chief Judicial Magistrate,
Nandurbar

CERTIFICATE

I affirm that the contents of this PDF file Order /Judgment are same word to word, as per the original Order /Judgment.

Name of Stenographer/Clerk	:	VA. Mistary Jr.Clerk
Court	:	Addl. Chief Judicial Magistrate, Nandurbar
Date	:	19.10.2024.
Judgment /order signed by the Presiding Officer	:	
on	:	19.10.2024.
Judgment /order uploaded	:	
on	:	19.10.2024.