

MHNB030009032021



IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
AT -Nandurbar, DIST. Nandurbar
(Presided over by Dr R.N.Gaikwad)
Order Below Exh. 80 in R.C.C. No. 81/2021.
(Passed on 14th November, 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.1 namely, Dilip Rohidas Patel and Learned Spl. APP for the prosecution.

02] This application is made by the accused no. 1 to seek the permission to go abroad viz. Canada country. The accused no. 1 has submitted that the present case is pending against him along with other accused. Previously, the court has granted passport permission on 02/11/2023. Accordingly, passport no. B8845477 allotted to him. He is permanently residing at village Rakaswade, Tal & Dist. Nandurbar. He is a well known farmer of his village. His elder son namely Jatinkumar Dilip Patel is residing at Canada Country. The son namely Jatinkumar is residing along with wife at Canada County. Now, the daughter in law namely Bhumi Jatinkumar Patel is pregnant. Her delivery is scheduled on next month. It is therefore, the accused no. 1 and his wife intends to go at Canada Country. Accordingly, flight tickets have been booked. The visa of the Canada Country is also allotted. Therefore, the accused no. 1 has filed this application for permission to travel abroad viz. Canada Country for the

period of 03.12.2024 to June 2025.

03] On going through the application, say and arguments advanced by Ld. Advocate for accused no. 1, it seems that the accused no. 1 want permission to travel abroad viz. Canada Country during the period of 03.12.2024 to June 2025.

04] At this stage, I relied in *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, this court has also ready granted permission to travel to viz. Canada County to short tour for the period of one year from the order dated 02nd November 2023. Now, this one year period is also lapsed. The present application can not refused on the ground of pendency of criminal case.

06] As per the conditions mentioned in the Notification of Central Government, permission shall be issued to accused for traveling outside India viz. Canada Country in between period from 03.12.2024 to June 2025.

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

:: ORDER ::

1. Application at Exh. 74 is allowed.
2. Passport authority and Nandurbar Upnagar Police Station are hereby informed that this court has given permission to accused no. 1 namely Dilip Rohidas Patel to travel viz. Canada Country for the period of 03.12.2024 to June, 2025.
3. Ld. counsel for the accused no. 1 conduct the present case in absence of accused no. 1.
4. Accused no. 1 is also directed that he shall inform the court while leaving from India and after return from abroad viz. Canada Country.

Place : Nandurbar.
Date : 14.11.2024.

(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:	V.A. Mistary Jr.Clerk
Court :	Addl. Chief Judicial Magistrate, Nandurbar
Date :	14.11.2024.
Judgment /order signed by the Presiding Officer on :	14.11.2024.
Judgment /order uploaded on :	15.11.2024.