

MHND010027112019



ORDER BELOW EXH. 41
State Vs. Shaikh Chandpasha

This application is filed by applicant/accused Shaikh Chandpasha S/o Mohammad Khaja for seeking permission of the Court to go to Haj Yatra and to give direction to passport Authority, Nanded.

2. The applicant/accused has contended, he wants to go Haj Yatra along-with his family members. The applicant was having passport, but it's period was expired, hence he contacted passport office, at that time concerned office directed him to bring permission of the Court. The applicant/accused wants to go to Haj Yatra after Ramzan Eid in 2024 and he will furnish details of his residence, period of accommodation prior to leaving the Country. It is contended, the applicant will not misuse his liberty and his advocate will conduct the matter in his absence, hence this application.

3. The prosecution has filed say below Exh. 45 and raised objection stating that, matter is posted for evidence. Charge against the accused is framed and summonses issued to the witnesses. Presence of the accused is required for identification. The prosecution has prayed to reject the application.

4. I.O. has filed say below exh. 45 and taken objection to the application. The investigating officer has filed say that, applicant/accused has committed serious offence and if permission granted to him to go abroad, he will flee from justice and will not return to the Country. I.O. has prayed to reject the application.

5. Perused the record. I have heard both sides. Gone through record. The applicant/accused is charge-sheeted for the offence punishable under section 353 of the I.P.C. Charge is framed on 08.11.2019 and prosecution examined PW1 on 28.2.2022. The prosecution has filed application for issuance of summons.

6. By way of this application, applicant/accused wants to give direction to passport authority for renewal of his passport. It will take some time to decide the matter. The advocate for the accused is ready to conduct the matter in absence of applicant/accused, without challenging identification of the accused. In this circumstances, there will not be hindrance in the progress of the matter. Record shows, applicant/accused remains present in the Court regularly on the fixed date in the case, therefore there is no hurdle to allow this application by imposing condition upon the applicant/accused. Considering all these facts, I pass following order -

ORDER

1. Application is allowed.

2. The applicant/accused is permitted to renew passport from the Passport Authority as per law and no objection to that regard is granted.
3. The applicant/accused is directed, he should not leave India without prior permission of the Court.

Sd/-

(U. V. Indapure)

Addl. Sessions Judge,
Nanded.

Date : 09/01/2024.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word, as per the original order.

1. Name of the Stenographer:- Smt. S.S.Korewar,
Steno Grade-III
2. Court Name :- Court of Addl. Sessions Judge-1,
Nanded.
3. Date of :- 09/01/2024
Order signed by the
Presiding Officer on :- 09/01/2024
4. Order uploaded on :- 10/01/2024