

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
NAGPUR.**

Summary Criminal Case No.16138/2023

State of Maharashtra

Vs.

Ashish @ Ayush Rajesh Shahu

Order on Exh.08

(Passed on 08th day of January, 2026)

Perused the application and say of learned A.P.P. Heard learned counsel appearing for accused No.1 namely, Ashish @ Ayush Rajesh Shahu (hereinafter called as “the applicant”) .

2] Instant charge-sheet is filed for the offence under Section 188 of the Indian Penal Code and Section 5 and 15 of Environment Act. As per this application, the applicant has prayed for grant of no objection for issuance of passport. He has stated that he wants passport to travel abroad with his old aged parents. He has further stated that he is the permanently settled in Nagpur. He has assured that he would make himself available for the trial and is ready to abide by all the terms and conditions to be imposed by this Court, while granting no objection.

3] The learned A.P.P. has stated that appropriate order may be passed and as such, has not raised any objection.

4] It is held by the Hon'ble Bombay High Court in the case of *Deepak Dwarkasingh Chhabria Vs. Union of India and another, reported in 1996(2) MHLJ 877*, that pendency of a criminal case against anyone is no ground for refusing permission to obtain passport. Instant case is pending since 2023 and is pending for appearance of accused No.2. The proceeding may take further considerable time to be disposed off finally.

In the light of the ratio laid down in the aforesaid ruling and considering the grounds raised in the present application, it would be just and proper to grant permission to the applicant to obtain the passport in order to travel abroad for his business purposes, subject to certain conditions. Hence, the following order :-

ORDER

- 1] The application is allowed.
- 2] Permission is granted to the applicant/ accused No.1 namely Ashish @ Ayush Rajesh Shahu to obtain passport with validity of 10 years, subject to following conditions :-
 - a) He shall inform in advance about applying for Visa and details of his tour.
 - b) Meanwhile, he shall regularly attend the Court.
 - c) He shall undertake that his learned advocate shall attend the matter and if required shall conduct the same, in his absence and would not dispute about his identity.
 - d) He shall submit in the Court the true copy of his passport and Visa and submit his tour programme before he proceeds to leave the country.
 - e) He shall submit the information regarding his contact numbers and residential address where he is residing abroad.
 - f) He shall give written undertaking to abide by all the aforesaid terms.
 - g) Certified copy of this order shall not be issued without furnishing of such undertaking by the applicant/ accused No.1.

Date: 08.01.2026.

(Anamika D. Bose)
Addl. Chief Judicial Magistrate,
Nagpur.