

ORDER BELOW EXH.25

1. Today, the case is taken on board. This is an application filed by accused no.3 viz. Prashant Keshavraoji Dhengre seeking grant of no objection certificate for permitting him to travel abroad and for issuance of passport in his name by the concerned authority.

2. According to him, he is a literate person. He wants to go abroad for holiday purposes/travelling. The present charge-sheet is filed against him for the offences punishable u/s 4 & 5 of the Maharashtra Prevention of Gambling Act (*for short "the Act"*).

3. He is a permanent resident of Nagpur. It is necessary for him for travelling/holiday purposes. Hence, he prayed that, he may kindly be permitted as stated/prayed above.

4. He is having firm roots in the society. He will abide by the conditions of bail.

5. The learned APP has resisted the application by filing say on back leaf of the application itself. According to her, the case will not proceed further if such permission is granted. Hence, she prayed that suitable orders may be passed.

6. Perused the record. Heard both the sides. Accused no.3 has filed on record his Aadhar card (photocopy).

7. I have gone through the record carefully.

8. Perusal of record shows that accused no.3 remains present regularly in the Court personally or through his learned advocate. The reasons stated by him in this application appear to be reasonable.

9. Moreover, in this regard, **Sec.6(2)(f) of the Passports Act, 1967** is very much clear wherein exemption to citizens against whom criminal case(s) is/are pending is granted provided they obtain

permission from the concerned Criminal Court. ***In fact, this fact is to be brought to the notice of the applicant by the passport authority itself. The prayer made in the application is for issuance of no objection certificate. However, there is no provision in Cr.P.C. for grant of such certificate.***

10. The learned advocate for the said accused reiterated the contents in the application in the form of arguments. Considering the submissions made and in the light of above legal position, I find that it would be just and proper to grant permission to the said accused so as to enable him to get passport in his name and to travel abroad as prayed by him. ***However, considering the time elapsed and the stage of the case, some conditions are necessary to be imposed (which this Court is empowered to impose vide Sec.437, sub-section 3) to be abided by the said accused.*** Hence, I proceed to pass the following order :-

ORDER

1. Application Exh.25 is allowed.
2. Permission to travel abroad for a period of three years is granted to the said accused on following conditions:-
 - a) He shall execute P.B. of Rs.15, 000/- along with one S.B. in the sum of like amount as a security for returning in India as and when called by this Court for the purpose of trial of this case;
 - b) He shall attend the Court *suo-moto*, that too without fail, after returning to India.
 - c) He shall file an affidavit to this Court informing his overall plan to travel out of India along with dates.

d) He shall give an undertaking to the effect that he shall remain present through his learned advocate (during his period of absence from India) during the course of trial of this case.

e) He shall file a separate affidavit specifying therein the entire plan of foreign tour/visit and return to India (as and when it happens), together with current address proofs and recent contact numbers of his two blood relatives.

3. The Passport Authority, Government of India, Ministry of External Affairs, Regional Passport Office to consider the application for issuance of passport to accused no.3 namely Prashant Keshavraoji Dhengre subject to the conditions mentioned in the Notification dated 25.8.93 and in the light of permission herein granted to him.

Date:- 06.07.2022

(Pratik V. Kapadia)
Judicial Magistrate First Class,
(Court No.1), Nagpur.

CERTIFICATE

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

Name of the Stenographer : P. M. Chaware