

SCC No.262/2017
State -vs- Suresh & Others.

ORDER BELOW EXH.22
(Passed on 23/06/2023)

This is an application filed by accused No.1 by name Suresh Yadeorao Bhojar for seeking no objection for issuing passport.

2. Accused No.4 inter alia submitted that, he is one of the accused in the present case. He is law abiding person. He has applying for obtaining passport. He has applied for passport before the passport office at Nagpur vide application No.NG1077775069423. But the said application is pending in the said office as the objection has come from the police station, New Kamptee that there is S.C.C. No.262/2017 criminal matter pending before this Court (Crime No.252/2017) for the offences punishable under Section 143 of the Indian Penal Code and Section 135 of the Mumbai Police Act. It is undertaken by accused No.1 that, he will abide the terms and condition imposed by this Court.

3. Learned APP has filed say overleaf of the application. Wherein he submitted that, the offence is serious in nature. If the accused give the permission for passport then the accused may flee away from India from the alleged crime. Hence, application may be rejected.

4. Perused the application, say and record. The present applicant is the accused No.1 in the present case. It is not the contention of the accused No.1 that, he intends to go abroad for the purpose of employment. Therefore, there is no hurdle to grant no objection for obtaining passport to the accused No.1. Furthermore, the offence alleged against accused No.1 is not punishable with capital

punishment.

5. In the case of *Dipak Dwarkasingh Chabriya, AIR 1997 BOM 181, the Hon'ble Bombay High Court* held that, in view of notification number R 570(E) dated 25/08/1993 issued by the Ministry of External Affairs of the Central Government it is clear that, the citizens against whom criminal cases are pending made exempt from the operation of Section 6(2)(f) of the Passport Act, 1967 which provides that, they produce order from the Concern Court permitting them to travel abroad subject to the terms and condition mentioned in the notification.

6. Considering the upshot of above discussion I am of the view that the application is liable to be allowed. With this I pass following order :

ORDER

1. The application is allowed.
2. The applicant/accused No.1 is hereby permitted to apply for passport and no objection is given for that purpose.
3. The applicant/accused No.1 to remain present in the Court as and when directed by this Court.
4. The applicant/accused No.1 take prior permission of this Court whenever he intends to go out of India.
5. The applicant/accused No.1 shall furnish verified copy of passport when he gets the same.

Date : 23/06/2023.
Kamptee.

(Amit A. Kulkarni)
Judicial Magistrate First Class,
Court No.1,Kamptee.