

**RCC No.262/2017**  
**State -vs- Suresh & Others.**

**ORDER BELOW EXH.26**  
(Passed on 05/03/2024)

This is an application filed by the applicant i.e. accused No.3 Vaishali W/o Prashant Manwatkar for seeking no objection for issuing passport.

2. Accused No.3 interalia submitted that, she is one of the accused in the present case. She is law abiding person. She has applying for obtaining passport as she wishes to go at Landon. She has applied for passport before office of the Government of Indian Ministry of External Affairs on dated 20/04/2023 vide application No.NG1067630315623. But the said application is pending in the said office as the objection has come from the police station, Old Kamptee that there is criminal matter pending before this Court vide R.C.C. No.262/2017 (Crime No.252/2016) for the offences punishable under Section 143 of the Indian Penal Code and section 135 of the Maharashtra Police Act. It is undertaken by accused No.3 that, she will abide the terms and condition imposed by this Court.

3. Learned APP Mrs. Jumle has filed say overleaf of the application. Wherein she submitted that, if the accused will go abroad then she will be abscond and flee away from the case and trial. Hence, application may be rejected.

4. Perused the application, say and record. The present applicant is the accused No.3 in the present case. The applicant is intended to go at Landon. It is not the contention of the accused No.3 that, she intends to go abroad with her daughter. Therefore, there is no hurdle to grant no objection for obtaining passport to the accused

No.3. Furthermore, the offence alleged against accused No.3 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 (Exh.26) is allowed.
2. The applicant/accused No.3 Vaishali W/o Prashant Manwatkar is hereby permitted to apply for passport and no objection is given for that purpose.
3. The applicant/accused No.3 to remain present in the Court as and when directed by this Court.
4. The applicant/accused No.3 take prior permission of this Court whenever she intends to go out of India.
5. The applicant/accused No.3 shall furnish verified copy of passport when she gets the same.

**Sd/-**

Date : 05/03/2024.  
Kamptee.

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