

MHNG090023112023

SCC No. 1233/2023
State Vs. Ashfak

ORDER BELOW EXH.54

01] This application is filed by **accused no.01 Ashapak Shammi Sheikh** for obtaining no-objection of this Court for renewal of passport.

02] The applicant submitted that he requires no-objection from this court to renew a passport to visit a place abroad from India to attend the Hajj voyagings. However, due to the pendency of the present matter, the passport authority required a no-objection of this court. The applicant has shown readiness and willingness to abide by conditions if any imposed by this court.

03] The application is objected to by the Ld. APP on the ground that, there is possibility that, accused may abscond beyond jurisdiction. Hence, it is prayed to reject the application.

04] Heard both sides. The allegation against accused No.01 namely, Ashapak Shammi Sheikh is about he had committed an offence punishable under Section 4 and 5 of the Bombay Prohibition Act and Section 109 of the Indian Penal Code. On perusal of record, it reveals that the accused No.01 namely, Ashapak Shammi Sheikh is regularly present in the proceeding of the present case. Till today,

trial is not obstructed due to his absence. In these circumstances, at this stage, it would be just and proper to grant no objection to obtain a passport as prayed.

05] Because of the pendency of the present case, in the light of the Notification dated 25th August 1993 and circular dated 21st August 2014, the accused requires permission from this Court to obtain the passport.

06] As far as objections raised by the Ld. APP is a concern, that can be cured by putting appropriate conditions on the accused No.01 Ashapak Shammi Sheikh. It is submitted by him that, he is ready to abide by all conditions imposed by this Court. Considering the overall record and law laid down by the Hon'ble Bombay High Court in the case of *Shyam Dwarkadas Chabria V/s Regional Passport officer*¹, it would be just and proper to pass the following order:

ORDER

- A) The application is hereby allowed.
- B) **No-objection is hereby granted** to the **accused No.01 Ashapak Shammi Sheikh** for renewal of passport for the period of (i.e. from 01.09.2024 to 31.08.2025, subject to conditions mentioned in the Notification dated 25th August 1993 and on the following additional conditions:
- 1) He shall execute a P.R. Bond of ₹ 50,000/- along with

¹ 2000 Cri. L.J. 2942.

one solvent surety of like amount as a security for returning to India as and when called by this Court for the purpose of trial;

- 2) Before leaving from India he shall inform this Court by way of affidavit about his overall plan to travel outside India along with dates;
- 3) He shall file an affidavit of his learned Advocate showing readiness and willingness to conduct the matter in his absence.

sd/-

(Santosh R. Bharad)

Judicial Magistrate, First Class,
Saoner

Date:- 29.08.2024
Place : Saoner.