

Summary Criminal Case No. 330/2018
State / Salil and Ors.

Order below Exh.No.53

(Passed on 17th day of March, 2026)

The applicant/accused No. 8 – Baban Laxmanrao Lohe, R/o. Thugaondev, Tal. Narkhed, Dist. Nagpur has filed this application for grant of permission to apply for issuing passport. According to applicant/accused, he needs a passport to travel abroad. However, the instant criminal case being pending against him before this Court, he has moved this application and sought permission from this Court to enable him to apply for getting issued passport.

2. The learned Special Public Prosecutor Mr. V. U. Mirche filed his say on overleaf of the application and resisted the application on the ground that the applicant/accused is absent since the filing of charge-sheet. If permission is granted to the accused to apply for passport, he may abscond and may not attend the Court. Eventually, he prayed to reject the application.

3. Heard both the sides. Perused record.

4. On perusal of nature of the instant case pending against applicant/accused before this Court, it appears that it is a case of the year 2019. Further, below Exh. 51 the then Ld. A.P.P. had filed application for withdrawal of prosecution as per Section 321 of the Code of Criminal Procedure, 1973. Along with the application, there is letter dated 25/08/2022 bearing Marathi outward No. जा.क्र.सससअ/नाग/रा.व.सा. खटले/५८६/२०२२ of the office of the Assistant Director and Public Prosecutor, Nagpur bearing original

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signature of Assistant Director and Public Prosecutor, Nagpur. Applicant wants to leave India for travel purpose. Thus, the absence of applicant/accused till specific period will not be detrimental to the trial of above case. The learned A.P.P. opposed the application on the ground that the applicant/accused might abscond if he is permitted to leave the country. But I do not find force in the objection raised by learned APP for the reason that the documents filed by applicant/accused in support of his contentions do disclose the details of his permanent residence. Further, the prosecution itself has applied for withdrawal as per Section 321 of the Code of Criminal Procedure, 1973. Hence, appropriate order will be passed on the application on the date fixed. The offence is punishable with imprisonment not exceeding 2 years. In the case where the prosecution does not want to proceed with the case, there is no reason to deny the permission to the applicant/accused No. 8 for applying for passport.

5. The Division Bench of the Hon'ble High Court of Judicature at Bombay in its judgment dated 30.11.2016 reported in **2016 SCC OnLine Bom 14539 : (2020) 3 AIR Bom R 459** in **Mr. Samip Nitin Ranjani v. Union of India and others**, observed at relevant paragraphs 3 and 4, as under:

“3. The grievance of the Petitioner is that the Passport Authorities, instead of renewing the passport for a period of 10 years as provided under the provisions of the Passports Act, 1967, has renewed the passport only for a period of one year. Challenging the same, writ was filed.

4. In our view, the ratio of the judgment of this Court in the case of Narendra Ambwani (supra) would squarely apply to

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the facts of the present case. The Division Bench of this Court has issued guidelines which are to be followed by the Respondents on the receipt of application for renewal of passport. It is observed in paragraphs 10 and 11 as under:

"10. In the circumstances, we propose to issue guidelines to be followed by the Respondents on receipt of the applications for renewal of the passports, in all cases, where the Magistrate's court has directed that the passport may be renewed as per the "Rules".

11. Accordingly, we issue the following directions:-

(a) In all cases where the Magistrate's court directs renewal of the passports under the Rules, the Passport Rules, 1980 shall apply and passports other than for a child aged more than 15 years shall be renewed for a period of ten years or twenty years as the case may be from the date of its issue. All qualifying applicants are entitled to have passport renewed for at least ten years. The Regional Passport Office shall renew the passports of such qualifying applicants at least for ten years.

(b) In case where the passports are valid and the applicants hold valid visas on existing passport, the Regional Passport Officer shall issue the additional booklet to the same passport provided the applicant had obtained permission to travel abroad.

(c) If the learned Magistrate passes an order making the reference to the said Notification No. G.S.R.570(E) dated 26th August, 1993, the passport shall be renewed only for such period that the Magistrate may specify in the order or as otherwise specified in the said Notification where the passport of the applicant is valid for less than one year, the additional booklet may be issued subject to the orders to be obtained in this behalf

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only of the Magistrate concerned.” ”

6. Thus having regard to the discussion noted above, the status of the applicant and the reason for which he is intending to leave the county is quite justifiable. Therefore, the instant application deserves to be allowed. Thus, I proceed to pass the following order-

ORDER


1. Application Exh. 53 is hereby allowed.
2. Applicant/accused No. 8 – Baban Laxmanrao Lohe, R/o. Thugaondev, Tal. Narkhed, Dist. Nagpur is hereby permitted to apply for passport.
3. The applicant / accused No. 8 is directed to undertake that, if and when he leaves the territorial jurisdiction of the Union of India, he will do so only after taking permission of this Court and his Ld. Advocate will attend the case on his behalf in his absence and conduct the matter and no dispute as to identity of the application / accused No. 8 shall be raised.
4. After his arrival to India after completion of specified period in abroad, applicant shall attend each and every date before this Court.
5. Matter to be conducted by Ld. Advocate for the accused No. 8 in his absence.

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6. Needless to say, the passport authority may consider the application of the applicant for passport subject to applicant / accused No. 8 - Baban Laxmanrao Lohe, complying with the requisites as contemplated under law and as per law laid down by the Hon'ble High Court of Judicature at Bombay in **Mr. Samip Nitin Ranjani v. Union of India and others, 2016 SCC OnLine Bom 14539 : (2020) 3 AIR Bom R 459.**

7. Application Exh. 53 stands finally disposed off.

(Dictated and pronounced in open court.)


.. 17/03/2026

Narkhed.
Date -17/03/2026

(**Rohan Vijaykumar Thayil**)
Judicial Magistrate, First Class,
Narkhed, Dist. Nagpur