

MHNG180013492020

**ORDER BELOW EXH. No. 03****(Date 9th May, 2025)**

The present application filed by the accused No.1 Swapnil Dipak Sewatkar for no objection certificate of a fresh Indian passport for period of ten years.

2. Heard Ld. A.P.P. and Advocate of the accused.
3. The applicant/accused no. 1 has submitted that, he has filed application for Passport as he will make an itinerary for the abroad very shortly as a tourist. He has filed application for passport on 21.04.2023. But passport authority issued show cause notice to him due to this matter. Therefore, he replied them. He wants to go abroad from 05.07.2025 to 25.07.2025. The applicant / accused no. 1 is permanent resident of Ward No. 14, Mahada Colony, Kalmeshwar, Th. Kalmeshwar, District Nagpur. He is innocent person and is falsely implicated in the crime. He is also ready to abide all conditions imposed by the Court. He will not leaves the country without prior permission of the Court and remained present each and every date before the Court. Therefore, he prayed to grant permission to apply for the passport for ten years and to issue no objection certificate.
4. Ld. A.P.P. filed her say and strongly opposed the application on the grounds that, if this application is allowed, he may abscond.

5. Perused the record. It appears that, chargesheet has filed u/s 12-A of the Bombay Gambling Act. The matter is pending for appearance of accused. Therefore, it will take some time for the final conclusion. The accused no. 1 wants to go abroad as a tourist. .

6. In view above discussion and considering the ratio laid down by the **Hon'ble Bombay High Court in Sham Dwarkadas Chhabriya Vs. Regional Passport Officer & another** reported in 2000, Cri. Law Journal 2942 that,

“Pendency of Criminal case is not a bar to issue passport if applicant obtains permission from concerned Criminal Court for travel outside India.”

7. In these circumstance, interest of justice I pass following order.

: ORDER :

1. The application is allowed.
2. The Regional Passport Office, Nagpur is hereby informed that this Court has no objection for issuance passport to the applicant/ accused No. 1 Swapnil Dipak Sewatkar as per rules
3. The applicant/ accused No. 1 Swapnil Dipak Sewatkar shall give an undertaking in writing to the Passport Authority that he shall whenever required by this Court, appear before it at any time during the continuous in-force of the passport, so issued.

4. The applicant/ accused No. 1 Swapnil Dipak Sewatkar shall furnish verified copy of passport after it's issuance in the Court. He shall return as early as possible.

Date: 09.05.2025
Kalmeshwar

Sd/-
(R. L. Rathod)
Judicial Magistrate First Class,
Kalmeshwar.

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 :- R.S. Daware (Gr. III)