

MHNS160001972017



**SCC No. 111/2017**  
**State v/s. Amin Sheikh.**

**ORDER BELOW EXH -23.**

(Passed on 10/03/2026)

1. Perused the application & the say filed by the Ld. APP. Also, perused the documents placed on record. Heard learned advocate for applicant/accused No.3.
2. The applicant through this application seeking permission for traveling abroad to Azarbaijan for next one year and for necessary direction to the Passport Authority.
3. The case SCC No. 111 of 2017 is pending against the present applicant/accused and applicant prayed for permission to leave the jurisdiction of this court for the purpose of service and traveling at Azarbaijan.
4. As per section 5 of The Passports Act, 1967, an application for the issuance of the passport is to be made to the Passport Authority. The Passport Authority may issue the passport or even it can refuse to issue the same as per Section 5 (2) of The Passports Act. Some grounds for the refusal by the Passport Authority to issue the passport are provided under Section 6 of The Passports Act. As per section 6 (2) (f) of The Passports Act, the Passport Authority shall refuse to issue a passport or travel document if, any proceedings in respect of an offence is alleged to have been committed by the applicant, are pending before a Criminal Court in India. In regard to the persons who have applied for the issuance of passport and whose request fall short due to section 6 (2) (f) of The Passports Act, The Ministry Of External Affairs has issued a Notification dt.25.08.1993. This Notification specifies that, the citizens of India against whom proceedings in respect of an offence

alleged to have been committed by them, are pending before a Criminal Court in India and who have applied for the issuance of passport, shall produce the orders from the Court concern permitting them to depart from India. Certain conditions are imposed for the issuance of passport in such situation. They are that, the passport to be issued in such contingency must be for the period specified by the Court in its order granting such permission and if no period is specified in the order of the Court, then the passport shall be issued for a period of One Year. Here lies the source of authority, power and jurisdiction which is bestowed upon this Court to issue the permission as prayed for.

5. It is not disputed that, at present, a criminal prosecution is pending against the applicant/ accused. However, considering above discussion, no harm will be caused to the trial, if the permission for traveling abroad to Azarbaijan for next one year is granted in favour of the applicant. Hence, I pass the following order ;

**-:: ORDER ::-**

1	Application is allowed.
2	Permission for applying passport and visa to go abroad to Azarbaijan is granted to the applicant/accused for one year, <b>Amin Shaikh Ahamad,</b> Age :- 35 years, Occupation :- Driver, R/o. Athawade Bazar, Manmad, Taq. Nandgaon and Dist. Nashik.
3	The applicant/accused is directed to intimate the court before going abroad and after coming back from abroad.
4	In absence of applicant/accused his Ld. advocate to conduct the matter.

Chandwad.  
Dt. 10/03/2026

( S. S. CHHALLANI )  
Judicial Magistrate First Class,  
Court No.1, Chandwad.

## CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	<b><i>Namdev M. Shedge</i></b> Stenographer Grade-III
Name of Court	C.J.J.D. & J.M.F.C., Chandwad.
Date of Dictation	10/03/2026
Judgment/order signed by the PO on	10/03/2026
Judgment/order digitally signed by the PO on	10/03/2026
Judgment/order uploaded on	10/03/2026