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MHNS160008602022



S. C. C. No.363/2022

Paresh Hiranman Ahire Vs. The State
of Maharashtra

ORDER BELOW EXH.17.

(Passed on 10th day of February, 2025)

1. Perused the application & the say filed by the Ld. APP. Also, perused the documents placed on record. Heard learned advocate for applicant.
2. The applicant through this application seeking a mere permission for renewal of passport No.P2701724. and for necessary direction to the Passport Authority.
3. It is the contention of the applicant/accused that, he is working at automobile company at Pune, for the purpose of going aboard at Saudi Arebiya. The applicant has applied for renewal of passport with the concerned authority. He requested to grant permission to renew passport for ten years.
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***

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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. However, considering above discussion, no harm will be caused to the trial, if the passport is renew and permission to go abroad in favour of the applicant. As discussed earlier the renewal of passport will

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issued to the present applicant only for the period of one year.
Hence, I pass the following order ;

ORDER

1	Application is partly allowed.
2	Permission is granted passport/ renew passport to the concerned authority to the applicant Paresh Hiranman Ahire Age :- 36 years, Occupation :- Service, R/o.:- C-902, Kamalraj Dattavihar Society, Dehu-Alandi road, Moshi, Pune for the period one year.
3	The passport authority is hereby directed to intimate about the passport/renewal of passport in favour of the present applicant to this Court.
4.	The applicant/accused further directed not to leave India without prior permission of this Court.
5.	In absence of applicant Ld. advocate to conduct the matter.

Place:- Chandwad.
Date:- 10/02/2026

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

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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	<i>Namdev M. Shedge</i> Stenographer Grade -III
Name of Court	C.J.J.D. & J.M.F.C., Chandwad.
Date of Dictation	10/02/2026
Judgment/order signed by the PO on	10/02/2026
Judgment/order digitally signed by the PO on	10/02/2026
Judgment/order uploaded on	10/02/2026

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