

Order below exh. 53 in Sessions Case No. 688/2015

CNR-MHPU01-012914-2015

1. This application filed by applicant/ accused - Rajshekhar Sidramappa Birajdar for permission for renewal of his passport. It is submitted that he made application for passport and accordingly passport was issued to him by Regional Passport Office, Pune, on 30.09.2021 vide Passport No. V-2993587. The said passport is valid till 29.09.2022. He made application to Passport Office for renewal of passport on 25.04.2022 and it is informed to him that if any criminal case is pending, then without permission of the Court Passport cannot be renewed. It is submitted that he is permanent resident of Pune and it is necessary for him to renew the passport.
2. Learned APP opposed the application on the ground that passport is valid till 29.09.2022. Serious offence is registered against the applicant/ accused. Hence, urged to reject the same.
3. Heard learned Advocate for the applicant/ accused and learned APP. Perused the application, reply and other documents.
4. Apparently, the validity of the passport of the applicant/ accused is up to 29.09.2022. Earlier vide exh.23 the applicant/ accused sought permission of this Court for renewal of the passport and accordingly by the order dated 25.08.2021, permission was granted to the applicant/ accused for renewal of passport on imposing condition.

Even otherwise, the Hon'ble Bombay High Court in the matter of Ashok Roopchand Jain V/s. The State of Maharashtra & ors, in Criminal Application No. 1/2019, decided on 04.03.2020, observed that,

“The Apex Court in the case of Maneka Gandhi V/s. Union of India [(1978) 1 SCC 248, held that the right to travel for the purpose of business and service is a part of fundamental right, subject to reasonable restrictions, which are imposed by the Act and by the Court.”

5. In view of the above pronouncement, the pendency of the proceeding, before the Court would not be a hindrance for applying renewal/re-issue of passport. Therefore, this application needs to be allowed, subject to condition. Hence, order :

ORDER

1. Application (exh.53) is allowed.
2. Permission is granted for renewal of the passport to the applicant/ accused - Rajshekhar Sidramappa Birajdar. Considering serious nature of the offence allegedly committed by applicant/ accused, he is directed that he should not leave India without prior permission of this Court. The applicant/ accused to furnish undertaking in this regard.
3. Inform concerned Police Station accordingly.

Dt. : 10.06.2022

(A.T. Wankhede)
Additional Sessions Judge, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno : Smt. Mohini P. Rahurkar, Stenographer Gr.I

Court Name : Shri A.T. Wankhede, Additional Sessions Judge,
Pune.

Date of Decision : 10.06.2022

Judgment signed by Presiding
Officer on : 10.06.2022

Judgment PDF and Uploaded on : 13.06.2022