

ORDER BELOW EXH.29 IN SCC NO.351/2022

(State Vs. Mandar Gopal Damale)

(CNR No.MHPU170011222022)

1] The present application is filed by the accused viz. Mandar Gopal Damale for granting permission to renewal of passport.

2] The accused submitted that, he is not involved in any other crime except this case. He has not been convicted previously. The validity of passport of him is till 09/03/2024. But due to his busy shedule he could not make an application for renewal of passport. Now, he is required to renew his passport because he wants to go to Europe for some official purpose. When he applied to passport authority, they required permission of court before renewal of passport. Hence, the present application is filed.

3] Ld.A.P.P. has filed his say and submitted that, the present case is pending for trial. If the accused will leave India, the case will prolong. Hence, he prayed to reject the application.

4] The present application is filed for getting permission for renewal of passport. Copy of order below Exh.10 shows that the application filed by the accused for renewal of passport was allowed previously. Now, this is a second application filed by the accused for renewal of passport for further period. The present application is for renewal of that passport. As per provision of Passport Act, 1967 section 6(2)(f), the passport authority can refuse a passport to a person against whom the proceedings in respect of an offence alleged to have been committed by that person are pending before a criminal court in India. The notification dated 25/08/1993 issued under passport Act 1967 is exception to that clause. As per notification passport can be issued to a person referred in section 6(2)(f) of the Passport Act. If that person obtains permission to depart from Indian from the court where proceedings are pending. As per notification “any passport issued by the

court can be renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court". The notification further stated that the passport can be renewed on the basis of fresh court order. It means for renewal of previously issued passport permission of court is required.

5] This application is filed for renewal of passport because the accused wants to go to abroad for official purpose. Now it is essential to see that whether the accused is entitled to get that permission to renewal of passport or not? In present case trial is started. The accused has not mentioned in the application the period during which he wants to go to abroad. But the document filed by him below Exh.32/4, it is seen that the accused wants to go to abroad during the period of 01/03/2026 to 22/03/2026 for business meeting. Therefore, from this documents it is clear that if the permission of renewal of passport is granted there are no chances of delay in trial. Therefore, I pass the following order;

ORDER

1.	The application is allowed.
2.	The accused is directed to give details of his abroad visit(place, period etc.)
3.	The accused is directed to present before the court whenever the court is directed.

Date:05/01/2026

**[Prajakta Rajiv Sabnis]
Judicial Magistrate F.C., Indapur,
Tal.Indapur, Dist. Pune.**