

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
GHODNADI, TAL, SHIRUR, DIST. PUNE



SCC No.542/2021
State of Maharashtra Vs Bhim Waghujji Madane and Ors
(CNR NO.MHPU200010322021)

ORDER BELOW EXH. 28

1. This is an application seeking directions to the Passport Authority for renewal of passport accused No. 8 namely ***Amit Ashok Karande.***
2. Read application along with affidavit and say filed by the learned A.P.P. Heard the learned Advocate for the accused and learned A.P.P. for the State.
3. The learned Advocate for the accused submitted that after completion of investigation, the final report (*charge-sheet*) has been filed in the Court against accused No. 8. Accused No. 8 is facing trial for the offences punishable under Sections 12 A of the Maharashtra Prohibition of Gambling Act, 1867. He further submitted that the trial of the accused will take its own time. He further submitted that accused No. 8 is permanent resident of Charholi, Pune. Accused No. 8 needs to go abroad for the purpose of collecting information relating to new technology of the agriculture. Therefore, the permission of the Court is necessary. Hence, this application is filed. The learned Advocate for the

accused submitted that the accused shall remain present each and every date in the Court. The accused is ready to abide each and every condition imposed by the Court. He prayed that the application may kindly be granted.

4. The learned A.P.P. submitted that application may kindly be allowed subject to condition to expedite the trial in absence of the accused through his Advocate.

5. Here, it would be just and proper to make a reference of decision in case of *Deepak Dwarkasingh Chhabria Vs. Union of India and Anr.* reported in 1996 (2) *Mah.L.J.877*, wherein the Hon'ble High Court of Bombay has observed that the pendency of a criminal case is not a bar for the renewal of Passport. The present matter is pending for appearance of other accused persons. The trial will take its own course to get completed. The learned Advocate for the accused submitted that the accused shall remain present each and every date in the Court. He will not abscond. He will not leave the jurisdiction of this Court without prior permission of the Court. It appears that the accused has released on bail. The alleged offences against the accused are not against the State and moral turpitude. Considering observations in the above cited case and the fact and circumstances of the case, it would just and proper to allow application subject to conditions. Hence, I pass the following order.

:: ORDER ::

1. Application is allowed.
2. The Passport Authority is directed to renew the passport of accused No.8 subject to the prevailing rules and conditions.
3. Accused No. 8 shall submit details of his tour programme and attested copy of his passport in the Court, when he is going to abroad.
4. Accused No. 8 is directed to submit an undertaking in writing that, the identity of accused will not be challenged. He will be represented by his learned Advocate during the period of his absence to conduct the matter and he will not abscond.
5. Accused No. 8 shall attend the Court regularly except the period of his absence from the Country and shall not seek any adjournment on this count.

Date : 02/04/2025.

(D.B.Domale)
Judicial Magistrate First
Ghodnadi, Tal.Shirur, Dist,Pune.

RCC No.542 of 2021

The State of Maharashtra Vs. Bheem Waghujji Madane and Ors.

Exhibit No. 28/D.

(4)

:: CERTIFICATE ::

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

Name of the Stenographer : S.N.Sargade (Grade - III)
Designation of the Court : 2nd Jt. C.J.J.D., & J.M.F.C,
Ghodnadi, Tal. Shirur, Dist.Pune
Date of Order : 02/04/2025.
Order signed by the P.O. on : 02/04/2025.
Uploaded on : 03/04/2025.

Sd/-xxx

(S.N.Sargade)
Stenographer
Grade- III