

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



R.C.C.NO.513/2021
State of Maharashtra Vs. Dattatray Bhausaheb Yadav and Ors.
(CNR NO.MHPU200020662021)

:: ORDER BELOW EXH.198 ::

1. This is an application seeking directions to the Passport Authority to issue passport to accused No.5 namely ***Mahesh Vitthalrao Dhamdhare.***
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. 5. Accused No. 5 is facing trial for the offences punishable under Sections 420, 465, 467, 468, 471, 386, 120B, 504 and 506 read with Section 34 of the Indian Penal Code, 1860. The accused has been released on bail. The trial is not yet commenced and it will take its own course of time to decide on merit. The accused has permanent residence at Talegaon Dhamdhare, Tal. Shirur, Dist.Pune and he is an agriculturist. Therefore, he is intending to go abroad for collecting information of new technology relating to agriculture.

4. The learned Advocate for the accused further submitted that, for renewal of passport, the permission of the Court is necessary. Hence, this application is filed. The accused will remain present on each and every date in the Court and he will not abscond. The accused will not leave the jurisdiction of this Court without prior permission of the Court. He prayed that the application may kindly be granted.

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

6. 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. It is evident from record that the present matter is posted for evidence of prosecution. The trial will take its own course of time to get completed. The accused is ready to remain present on each and every date in the Court. It is also contended that accused will not abscond and will not leave the jurisdiction of this Court without prior permission of the Court. It appears that the accused has been 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.5 subject to the prevailing rules and conditions.
3. Accused No.5 shall submit details of his tour program and attested copy of his passport in the Court, when he is going to abroad.
4. Accused No.5 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.5 shall attend the Court regularly except the period of his absence from the Country and shall not seek any adjournment on this Court.

Date : 27/03/2025

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

:: 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 : 27/03/2025.
Order signed by the P.O. : 27/03/2025.
on
Uploaded on : 28/03/2025.

Sd/-xxx

(S.N.Sargade)
Stenographer
Grade- III