

MHPU230004132025



Regular Cri. Case No.107/2025

State Vs. Amar and ors.

ORDER BELOW EXHIBIT 34

- 1] Accused no. 3 Ganesh Balkrishna Devharkar moved application for permission of the Court for renewal of passport for 10 years. Application is supported by affidavit.
- 2] Accused is charge sheeted in Crime bearing no.234 of 2020 arising out of Khed Police station for offence under section 406, 420 and 409 r/w section 34 of The Indian Penal Code 1860.
- 3] Ld. A.P.P. filed say overleaf the application and submitted that no reason is mentioned for renewal of passport. It is further submitted that if the application is allowed accused will not remain present before the Court and it will delay the case. It is further submitted that the duration of the passport expired on 17/08/2021. Perused the documents filed on record. The copy of the passport is filed on record. It shows that it is bearing No. J8926841. The date of issue of passport was 18/08/2011. Its date of expiry was 17/08/2021. According to applicant he needs to travel abroad for official and unofficial purpose. Hence, applicant has prayed for allowing renewal of passport for a period of 10 years.
- 4] Pendency of criminal case is not a reason to refuse permission. In view of the judgment of Hon'ble High Court of Bombay reported in Shyam Dwarkadas Chabria v/s The Regional Passport Officer reported in 2000(2) Bom CR 609 application of passport is not

liable to be refused on the ground of pendency of criminal case. The notification dated 25/08/1993 grants exemption to citizen against whom proceeding in respect of an offence alleged to have committed by them are pending before the criminal Court and who produce order from the court concerned permitting them to depart from India, from the operation of the provision of clause (f) of sub-section (2) of section 6 of The Passport Act.

5] Crime is registered against accused no. 3. But permission of renewal of passport cannot be refused by the Court for that reason. Therefore, it is necessary to allow for its renewal. Applicant before travelling abroad shall seek the permission of the Court. Hence, the following order:-

ORDER

1. Application is allowed.
2. Applicant is allowed to get his passport renewed for a period of one year as per rules.
3. Applicant shall seek the permission of the Court before travelling abroad mentioning the reason, date of travel, place of residence and date of return.

Date : 09/04/2025

(Saritha Vishwambharan)

Place: Khed-Rajgurunagar

Judicial Magistrate First Class
2nd Court, Khed-Rajrugunagar.

CERTIFICATE		
I affirm that the contents of this P.D.F. file Order/Judgment is same word for the word as per original Order/Judgment.		
Name of Steno	:-	Shri. B. M. Bhople, Steno (Grade-3)
Court Name	:-	Saritha Vishwambharan, 2 nd Jt. CJJD & JMFC, Khed-Rajgurunagar, Pune
Date of Order/Judgment	:-	09/04/2025
Signed by PO on	:-	09/04/2025
PDF uploaded on	:-	09/04/2025