

MHPU230012782018



S.C.C. No. 568/2018
State Vs. Satish Saini

ORDER BELOW EXHIBIT 15

- 1] Accused Satish Jaswant Saini moved application for permission of the Court for obtaining passport. Application is supported by affidavit.
- 2] Charge-sheet is filed against accused for offence punishable under section 65 (d) of The Maharashtra Prevention of Prohibition Act.
- 3] Ld. A.P.P. filed say overleaf the application. Ld APP submitted that if the application is allowed accused will abscond and will not remain present before the Court for trial. Because of the same the trial will be delayed. Hence, prayed to reject the application.
- 4] Registration of crime 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] Accused wants to visit foreign country for business purpose. As investigation is over there is no reason to deny accused for obtaining new passport. Permission to seek passport cannot be refused for the reason that crime is registered against accused and charge-sheet is filed. Hence, it is necessary to allow the application by imposing certain conditions. Accused shall provide details of his journey and residential address of abroad before travelling abroad. Hence, the following order:-

ORDER

- 1) Application is allowed.
- 2) Accused Satish Jaswant Saini is allowed to obtain passport from concerned authority as per rules.
- 3) Accused Satish Jaswant Saini before travelling abroad shall seek permission of the Court and provide details of his residential address, time and date of journey, period of his stay in abroad.

Date : 21/02/2025
Place: Khed-Rajgurunagar

(Saritha Vishwambharan)
Judicial Magistrate First Class,
2nd Court, Khed-Rajrugunagar.