

MHRG030000072020



**Reg. Cri. Case No. 04/2020**

*(The State through Poynad Police Station  
Vs. Ranoji Sampatray Lipane and others  
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CNR No. MHRG030000072020

**:: ORDER BELOW EXH. 212 ::**

Perused application filed by applicant/accused No. 43 Subodh Ulhas Patil and say given by the learned A.P.P. below Exh. 218. Heard advocate of the accused/applicant and learned A.P.P.

02. This is an application seeking permission to renew the passport as the applicant intends to travel abroad. The learned A.P.P. raised objection and prayed to reject the application.

03. As the applicant is praying for permission to renew the passport, the question arises whether the Court can grant permission to renew the passport. The applicant relied upon the authority i.e. *Deepak Dwarkasingh Chhabria Vs. Union of India and Anr. (AIR 1997, Bombay 181)*. In paragraph 09, the Hon'ble Court referred to notification dated 25/08/1993 and also section 6(2)(f) of the Passport Act. Certain conditions are laid down therein. If those conditions are perused carefully, it

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appears that application for permission for renewal of passport can be made in situation where a Court has already granted permission to issue passport. In our case, there is no mention on the part of the applicant that previously this Court had granted permission to issue passport. On the contrary, if the application is perused, it appears that his passport has expired on 30/10/2016 i.e. way before filing the present case. Therefore, question of granting permission of issuance of his earlier passport does not arise.

04. May it as be, recently in *Abbas Hatimbhai Kagalwala Vs. The State of Maharashtra and Anr., Original Civil Jurisdiction, Civil Writ Petition No. 384 of 2019, dated 23/08/2022*, the Hon'ble Bombay High Court has held that Court's permission not required in renewal of passport where a criminal case is pending. The passport authority can process the application for renewal of passport without insisting for permission of the Court. Resultantly, the application for renewal of passport cannot be said to be maintainable. Hence, the application deserves to be rejected. Accordingly, I pass the following order.

**:: O R D E R ::**

The application is rejected.

Alibag.  
Date : 22/02/2023.

( S.W. Ugale )  
Chief Judicial Magistrate,  
Raigad Alibag.