

MHRG030000072020



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

( The State through Poynad Police Station  
Vs. Ranoji Sampatrav Lipane and Ors. 44)

**CNR No. MHRG030000072020**

**:: ORDER BELOW EXH. 297 IN R.C.C. NO. 4/2020 ::**

Perused application and say given by the learned Spl. A.P.P. below Exh. 302. Heard advocate of the accused and learned Spl. A.P.P.

02. Accused No. 43 Subodh Ulhas Patil is praying to grant permission to renew his passport as he has to go abroad for traveling. The present case is pending against him since the year 2020.

03. The advocate of the accused relied on the authority i.e. Narendra K. Ambwani Vs. Union of India and Ors., 2014(4) Bom.C.R. 281 and prayed to renew passport of the accused for the maximum period possible as per the Passport Rules.

04. I have gone through the said authority. It appears that the Magistrate in that case passed order, '*The Regional Passport Office, Mumbai is directed to renew the passport of the applicant as per terms and conditions as per Passport Rules.*' By interpreting the said order, the Hon'ble Bombay High Court

issued certain directions which are mentioned in Paragraph 11 of the said judgment, however in Paragraph 12, the Hon'ble High Court made a caution note as,

*“For avoidance of doubt, we clarify that the guidelines set out herein will be applicable only in the cases where the learned Magistrate ordered renewal of the passports as per Passport Rules, 1980 and to no other. In other cases, where the learned Magistrate had granted permission to the accused persons to depart from India, the provisions of section 6(2)(f) of the Passports Act, 1967 and the Notification(s) issued thereunder from time to time by the Ministry of External Affairs or such other competent authority so empowered, will continue to apply and directions permitting the accused persons to depart from India and/or the orders permitting renewal of the passports of such accused persons shall continue to be governed by such Notification(s).”*

05. In our case, there is no such previous order that the passport of the accused be renewed as per Passport Rules. Therefore, by taking into consideration the observations in paragraph 12 of the judgment, with respects, the renewal of passport for minimum 10 years cannot be applied here.

06. Merely a criminal case is pending, his fundamental

right of movement can not go away and I found no reason to disallow the application. The learned Spl. A.P.P. apprehended that if permission is granted for renewal of passport, the accused will go abroad and will not remain present. However, that apprehension can be addressed by imposing certain conditions. In the result, I pass the following order :

**:: ORDER ::**

01. The application is allowed.
02. Permission granted to renew passport for one year.
03. The accused shall inform the Court as and when he wants to go abroad, before leaving the country.
04. He shall submit a self attested copy of renewed passport as soon as he receives it.

Alibag.  
Date : **22/04/2024**.

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