

MHRG030000852020



R.C.C. No. 82/2020

(The State Vs. Sunil Janardan Pednekar and Ors.)

CNR No. MHRG030000852020

:: ORDER BELOW EXH. 111 ::

Perused application filed by applicant/accused Sunil Janardan Pednekar and say given by the learned A.P.P. Heard advocate of the accused/applicant and learned A.P.P.

02. This is an application seeking permission for renewal of passport and permission to travel abroad. The learned A.P.P. raised objection and prayed to reject the application.

03. According to applicant/accused his passport has expired as it was issued having validity from 12/03/2021 to 11/03/2022. Due to pendency of the criminal proceedings pending for the offences punishable under sections 325, 324, 323, 504 and 506(2) read with section 34 of the Indian Penal Code, the passport authority will not renew the passport.

04. On perusal of record, it appears that, previously an order was passed below Exh. 80 and permission to renew the passport of the accused was granted for one year. Now that period is expired and renewal of the passport is needed.

05. The learned advocate for the applicant/accused

relied on *Deepak Dwarkasingh Chhabria Vs. Union of India and Anr. (AIR 1997, Bombay 181)*. The Hon'ble High Court observed that, it is clear that the citizens against whom criminal cases are pending are made exempt from the operation of section 6(2)(f) provided they produce order from the concerned Court permitting them to travel abroad subject to the terms and conditions mentioned in the notification issued by the Central Government dated 25/08/1993. In other words, an application of issuance and renewal of passport and permission to travel abroad, is not liable to be rejected on the ground of pendency of criminal case.

06. As the Court had granted permission to renew passport for one year therefore it is necessary to obtain fresh order for renewal of passport for a specific period. The learned A.P.P. apprehended that application to commit the case to Hon'ble Sessions Court in regard to section 307 of the Indian Penal Code Exh. 76 is pending and without deciding that application it will not be proper to grant permission to renew passport and to depart the accused from India. Pendency of any application cannot be a criteria to withhold or to deny opportunity to the accused to enjoy his fundamental right i.e. to move freely by denying permission of issuance or renewal of passport. That application even can be decided after granting permission to renew passport.

07. As the criminal proceeding is pending certain conditions need to be imposed upon the accused to secure his

presence during trial. Hence, I pass the following order.

:: ORDER ::

01. The application is allowed.
02. The passport authority is hereby directed to renew the passport of the applicant/accused Sunil Janardan Pednekar, according to law for one year.
03. The applicant/accused is directed not to leave India without prior permission of this Court.
04. He shall submit a self attested copy of renewed passport as soon as he receives it.

Alibag.
Date : **01/12/2022**

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