

ORDER BELOW EXH. 29 IN SESSIONS CASE NO. 158/2022.

This is an application filed by the applicant/accused No. 8 Nijam @ Nijamuddin Adam Jalgaonkar for granting NOC for renewal of the passport.

2. The learned APP has filed say and thereby strongly opposed this application. It is submitted that if the passport is renewed the possibility of accused absconding cannot be ruled out. Also the trial will be hampered if the accused remain absent. Hence, prayed that application be rejected.

3. Perused the application say thereon. Heard both sides. It is seen from the record that the Khopoli Police Station has filed chargesheet u/sec. 353, 332, 336, 338, 160, 147, 148, 149, 504, 506, 186, 188 of IPC and section 37(1)(3)/135 of the Maharashtra Police Act against accused and 14 others. Accordingly, process has been issued for the offences mentioned above against all the accused persons. The JMFC, Khalapur has committed the case to this court and accordingly, the case is numbered as Sessions Case No. 158/2022.

4. Presently, the said Sessions Case is pending for furnishing fresh bail bonds of some of the accused. Present accused is already released on bail. He wants to go to abroad for the business purpose as well as Haj pilgrimage. Accused is

already having passport bearing (old) No. Z2417287 (new) No. W1662417. The said passport is issued on 13/06/2022 and expiring on 12/06/2023. The accused wants to renew the said passport. The passport will expire on 12/06/2023 hence, it requires renewal.

5. The pendency of criminal cases alone cannot be ground to decline renewal of passport. It is important to see that the trial should not be hampered because of absence of the accused. The accused is ready to abide by any terms and conditions. The passport is going to expire on 12/06/2023 hence, it requires renewal. The accused undertakes to give his detailed programme prior to his going abroad. The Sessions Case will take considerable time for its disposal. Hence, considering the reason given, application can be allowed. With this, I proceed to pass the following order:-

ORDER

- 1 Application is allowed.
- 2 This Court has no objection to renew passport bearing (old) No. Z2417287 (new) No. W1662417 of accused No. 8 Nijam @ Nijamuddin Adam Jalgaonkar for 3 years if he qualifies in respect of Sessions Case No. 158/2022 arising out of C.R.No. 267/2016 of Khopoli Police Station.

- 3 Accused shall furnish detail tour programme and take prior permission of the Court before leaving the Country.
- 4 Accused shall give undertaking that during his absence trial should not hamper and his well instructed advocate will attend the court on the fixed dates of the matter.

Panvel.
Dated :- 26/04/2023

(R. S. Bhakare)
Ad-hoc Asst. Sessions Judge,
Panvel-Raigad.