

ORDER BELOW EXH. 129 IN SPECIAL CASE NO. 04/2021.
(MHRT01-000139-2021)

1] By way of present application the present applicant no.2 Sunil Suresh Joshi is seeking permission to obtain passport during the pendency of the present matter to travel abroad along with his wife.

2] Perused application, say. Heard respective Counsels.

3] The applicant / accused No.2 submitted that applicant family is respectable family and doing Hotel business since last several years in Ganpatipule, Tal. Ratnagiri. Applicant is living along with his parents and wife. He intended to travel abroad along with his wife. Therefore, it is necessary to permit the applicant to apply for passport.

4] He further submitted that the applicant is a permanent resident of Ganpatipule, Maharashtra and he is having immovable properties in Ganpatipule, Tal. Ratnagiri. That the applicant no.2 is ready to abide by any condition that may be imposed by this Hon'ble Court.

5] On the other hand, learned A.P.P. by filing say at Exh.134 submitted that the informant of the present case has filed Cri. Application No.243/2022 before the Hon'ble Bombay High Court. It is further submitted that considering the aforesaid matter, necessary order may be passed.

6] Investigating Officer also filed his say at Exh.135 and submitted that accused no.1 to 3 have committed serious offence against the minor victim girl and matter is pending before the Court. If

permission is granted for passport, the accused may abscond and it will affect the matter pending before the Court. Finally, prayed to reject the application.

7] Informant Smt. Sai Joshi also filed her say through Ld. APP and submitted that Family Court at Thane has ordered the pay Rs.28,000/- per month and till today Rs.10,00000/- is remained to be paid. She further submitted that she has applied for transferring the POCSO Case in High Court and proceeding thereof is on record. She further submitted that accused are in position to flee away abroad. Finally, she prayed to reject the application.

8] It is well settled position that mere pendency of criminal case can not be bar for applying for passport. As far as traveling abroad is concerned, condition to that effect can be imposed. Hence, I am of opinion that it would be proper to permit the applicant to apply for passport. However, at the same time, considering that present case is pending against the applicant, it will be proper to impose condition of seeking prior permission of this Court while going to abroad by submitting a detail schedule. Therefore, there would be no impediment for permitting the applicant to apply for passport with clarification that passport authorities to take decision as per Law. Hence, I pass following order:-

::ORDER::

- 1] Application Exh.129 is hereby partly allowed.
- 2] Applicant is hereby permitted to apply for passport.
- 3] It is hereby made clear that, No objection of this

Court to apply for passport would not be considered as any directions to the concerned authorities for issuance of passport and the application for passport shall be decided strictly on merits.

- 4] Applicant is directed to seek prior permission of this Court for traveling abroad by submitting a detail schedule.
- 5] Application is disposed off in above terms.

Place: Ratnagiri

Date:- 10.03.2026

(A. M. Ambalkar)

Judge, Special Court, Ratnagiri.

I affirm that the contents of this P.D.F file order are same, word to word, as per the original order.

Case Number		Special Case No.04/2021 Order below Exh.129
Name of Stenographer	:-	Shri.Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri.
Date of Dictation	:-	10.03.2026
Order signed by the P.O. on	:-	10.03.2026
Order uploaded on	:-	13.03.2026