

**MHRT040006142018**



**ORDER BELOW EXH.58 IN SESSIONS CASE NO. 23/2018**

State of Maharashtra

Prosecution

Versus

Altaf Memon etc.10

Accused

1. This is an application through which the applicant/accused No.5 Vajid Rahiman Khan is seeking no objection for renewal of his passport.

2. The application is resisted by learned APP vide Exh.62 on the ground that the case is fixed for hearing. The offence is of very serious nature and it is of murder. If the present application is allowed, possibility of his fleeing away cannot be ruled out, which may affect the hearing of the case. Hence it is prayed to reject the application.

3. Heard.

4. The present applicant is the accused in Sessions Case No.23/2018 which is pending before this Court for the offence punishable under section 302 of Indian Penal Code.

5. The applicant is ready to give undertaking that, he will

not leave the country without leave of the court. As per the applicant he would not get renewed his passport on account of pendency of this case. In this regard, I would like to refer observation of Hon'ble High Court of Delhi, in the case of *Rajiv Chaturvedi Vs Union of India and Ors, WP (C) 12136/2018, decided on 13.05.2019*, wherein the Hon'ble High Court has referred notification No.GSR570(E), dated 25.08.1993 issued by the Central Government. The operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the Passport Act 1967 has been exempted to the citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before the criminal court in India and who produce orders from the court concerned permitting them to depart from India. The Hon'ble High Court has upheld the exemption in view of the said notification and pleased to direct that the petitioner can apply for renewal of the passport. Same principle is application to the accused who applied for getting renewal of passport. Therefore, in the light of notification dtd. 25/08/1993 such permission can be granted. Every citizen of India is having a right to apply for a passport. Therefore, the present applicant is supposed to pray for no objection of this Court for renewal of a passport on the background of pendency of above mentioned case against him. After considering this application I do not find any substance in the objection taken by learned APP for the State.

6. The applicant, who is accused in above referred case, appears to be the resident of Harne, Tal.Dapoli Dist.Ratnagiri. He

appears to be a permanent resident on the above address. Therefore, I do not find any difficulty in issuing no objection for applying and obtaining the passport on certain terms and conditions. I, therefore, allow this application on following terms. Hence, the order.

**ORDER**

1. The application is allowed.
2. The applicant Vajid Rahiman Khan is allowed to get renewed his passport as prayed on condition not to travel abroad without permission of this Court.

( Dictated in the open Court )

Place :- Khed.

( P.S.Chandgude )

Date :- 17.06.2025

Addl. Sessions Judge, Khed.

Certificate

I affirm that the contents of this pdf file order are same word as per original order.

Name of Grade I Stenographer :- Mrs.V.S.Kulkarni

Court Name : Addl. Sessions Judge  
(Shri.P.S.Chandgude)

Date of Decision :- 17.06.2025

Order Signed by P.O. on :- 17.06.2025

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