

Order Below Exh. 33
(Passed on 15/09/2025)

This is an application by accused Mayur Kisan Patil for permission for applying for passport.

2] It is the contention of applicant/accused that Chiplun Police station has registered present crime against the applicant for the offences punishable u/s. 420, 465, 467, 468, 471 of the Indian Penal Code. The applicant by this application submitted to this Court that he need a passport. Therefore, he sought directions to the Passport Authority. Accordingly sought the same.

3] Ld. APP and I.O. have filed their say and opposed the application on the ground of possibility of fleeing away of accused.

4] Perused the application and say. Heard both the Ld. advocate at length. Record discloses that, in the present trial, accused was released on bail. It is argued by Ld. advocate for applicant that the applicant wanted to get passport. Now, question arises whether he should be permitted for the same or not. In this case reliance can be placed upon the judgment Hon'ble Parent High Court in **Deepak Dwarkasingh Chhabriya Vs. Union of India reported in AIR 1997 Bombay 181**. It has been held therein that, an application of passport is not liable to be refused on the ground of pendency of criminal case with the applicant obtains permission with the concern court for traveling out of India. The Passport Authority therefore cannot reject the application for passport mechanically on the ground of pendency of criminal case of applicant. It has been further held that, if the applicant obtained such permission from the criminal court when his case is pending, the passport authority will be duty bound to issue the passport in terms of the order of Criminal Court subject to condition of notification. In this light the directions was also issued specifying as

under -

Needless to mention that it will be open for the applicant to approach the criminal court where the criminal case is pending against him, for permission to travel out of India. Even if he has not received summons from the criminal court, it will be open, for the applicant to apply to the court for limited purpose of issuing the necessary orders for grant and/or renewal of passport.

5] In the light of discussion supra, it makes clear that though criminal case is pending, permission can be granted to applicant to leave India as per the notification specifies. At the same time for leaving the same, permission can also be sought to grant or renew the passport. In this case, the applicant has not sought permission to leave India. Now, only grant of passport is sought for. The passport authority is at liberty to decide the application for passport as per the rules prescribed for the same. So far as, permission from the court before whom the trial is pending is concerned, there is no hurdle about granting such permission appearing on record. Hence, following order.

ORDER

- 1) Application is allowed.
- 2) Applicant is permitted to apply for passport.
- 3) The passport authority is at liberty to decide the aspect of granting of passport as per rules contemplated for the same and as per the guidelines issued by Hon'ble High Court.
- 4) Applicant shall not leave India without prior permission of this Court.

Date : 15/09/2025

(K. A. Powar)
Judicial Magistrate First Class,
Chiplun.