

RCC No. 28/2017

State Vs. Vasanti Nikam & Ors.

CNR No.MHRT080001292017

ORDER BELOW EXH. 249

By the present application, accused no. 6 Nitin Sudhakar Purohit has prayed for permission to obtain Visa, notwithstanding pendency of the present case. It is contended that, he has applied to this Court for permission for renewal of passport. It was granted by this Court. Thereafter, his passport is renewed. His daughter is serving in United Kingdom. His daughter has a small baby. He wish to visit U.K. For that purpose he has to obtain Visa. On inquiry, he was told that, when a Criminal case is pending, it is necessary to obtain permission from the Court in which such case is pending. Accordingly, he made present application.

02. He has further contended that, he would apply for tourist Visa for the period of six months. Moreover, the period for which Visa would be granted is not certain. However, he would inform this Court about said period. Further, he has business and landed property within jurisdiction of this Court. Therefore, he has prayed for allowing the application.

03. Learned APP has opposed the application by filing reply at Exh. 252. She contends that, if the Visa is provided to the accused, he may not return. It would obstruct the proceeding of the present case. Therefore, she prayed for rejecting the application.

04. The accused no. 6 Nitin Purohit has filed an affidavit at Exh. 251 to support his application.

05. Perused the record. Heard both sides.
06. Pertinently, accused is alleged to have committed offences punishable under Sections 406, 408, 409, 420, 467, 471 r/w. 34 of Indian Penal Code, 1860 and under section 66-D of the Information Technology Act.
07. Since, a criminal proceeding is pending against the accused, consent of the Court for obtaining Visa can be granted. Whether Visa shall be granted or not is a decision within the domain of the concerned authority. However, as this case is pending, this Court can consent for obtaining Visa by the accused. Moreover, the accused can be directed to seek leave of the Court before leaving the Country. Thus, I pass following order :-

ORDER

1. Application is hereby allowed.
2. This Court consents for issuing Visa to the accused no. 6 Nitin Sudhakar Purohit, notwithstanding the pendency of present proceeding i.e. Regular Criminal Case No. 28/2017 which arose out of crime bearing No. 78/2016 of police station Deorukh, Dist. Ratnagiri, if he otherwise satisfies requirements for obtaining Visa.
3. The applicant shall not leave India without seeking permission of this Court for the same.

Date: 31.01.2023

(B.D.Tare)
Judicial Magistrate First Class,
Deorukh

CERTIFICATE

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

Name of the Stenographer : Smt. S. S. Thaware (Jr. Clerk).

Court : Civil Judge, J. D. and J.M.F.C.,
Deorukh.

Date : 31/01/2023

Order signed by the presiding : 31/01/2023
officer on

Order uploaded on : 01/02/2023