

RCC No. 28/2017

State Vs. Vasanti Nikam & Ors.

CNR No.MHRT080001292017

ORDER BELOW EXH. 253

By the present application, accused no. 12 Madhura Mahesh Kelkar has prayed for leave to renew her passport, notwithstanding pendency of the present case. It is contended that, she has a passport bearing No. S4493159. It has expired on 04.07.2019. Due to pendency of the present case, it is necessary to seek permission of this court to renew the passport. Hence, present application is filed.

2. Application is opposed by the ld. APP, by filing reply below Exh. 255. She contends that, having regard to the fact that, if the accused leaves the country, it would be difficult to secure her presence. Hence, she prayed for rejecting the application.

3. 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.

4. By filing an affidavit at Exh. 254, the accused Madhura has stated that, when she prayed the Passport Authority for renewal of her passport, she was orally directed to seek permission of this Court for the same as present case is pending against her.

5. Since, a criminal proceeding is pending against the accused, consent of the Court for renewal of passport is necessary. Renewal of a passport or refusal of the same is a decision within the domain of the concerned authority. However, as this case is

pending, this Court can consent for renewal of the passport. 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 the passport authorities to renew passport bearing No. S4493159 pertaining to the accused Madhura Mahesh Kelkar, 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 she otherwise satisfies requirements for renewal of her passport.
3. The applicant shall not leave India without seeking permission of this Court for the same.

Date: 15.02.2023

(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 : 15/02/2023

Order signed by the presiding : 15/02/2023
officer on

Order uploaded on : 16/02/2023