

ORDER BELOW EXH. 104 IN RCC No. 23/2019

By the present applications, accused No. 12 Madhura Mahesh Kelkar has prayed for leave to renew her passport notwithstanding pendency of the present case. It is contended that, he has a passport bearing No. **C0928465**. It is due for renewal on 24/07/2025. She would need to travel out. However, she would be unable to so travel, if the validity of the passport is expired. As such, she made present application.

02. Application is opposed by the learned APP, by filing reply at Exh. 108. It is contended that, if the accused leaves the country, it would be difficult to secure his presence. Hence, learned APP has prayed for rejecting the application.

03. Pertinently, accused is alleged to have committed offences punishable under Sections 406, 408, 409, 420, 467, 471 read with section 34 of Indian Penal Code, 1860 and under section 66 (D) of information Technology Act.

04. 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. There is no circumstance to refuse such consent. 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. **C0928465** pertaining to the accused No. **12 Madhura Mahesh Kelkar**, notwithstanding the pendency of present proceeding i. e. Regular Criminal Case No. 23/2019 which arose out of crime bearing No. 78/2016 of Police Station Deorukh, Dist. Ratnagiri, if he otherwise satisfies requirements for renewal of his passport.
3. The passport shall be subject to passport notification No. GSR-570 issued by the Ministry of External Affairs dated 25/08/1993.
4. The applicant shall not leave India without seeking permission of this Court for the same.
5. It is made clear that passport authority must not be swayed by this order and shall consider question of renewal of passport to the applicant in accordance with provisions of concerned statute.
6. This order is only in respect of RCC No. 23/2019 instituted out of crime No. 78/2016 registered with Deorukh Police Station.

Date: 27/03/2025

(Shruti H. Patil)
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 : S. A. Bhale

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

Date : 27/03/2025

Order signed by the presiding officer on : 27/03/2025

Order uploaded on : 27/03/2025