

RCC No. 23/2019

State Vs. Vasanti Nikam & Ors.

CNR No.MHRT080003202019

ORDER BELOW EXH. 76 and 78

By the present applications, accused no. 10 Nitin Sudhakar Purohit has prayed for leave to renew his passport and leave obtain visa, notwithstanding pendency of the present case. It is contended that, he has a passport bearing No. W9180844. It is due for renewal on 29.12.2023. His daughter resides in U.K. He may require visiting her. Further, on vacation, he wish to go outside India. Hence, present applications are filed.

2. Applications are opposed by the ld. APP, by filing reply thereon. She contends that, if the accused leaves the country, it would be difficult to secure his presence. Hence, learned APP has prayed for rejecting the applications.

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. In support of the applications, accused No. 10 has filed affidavits at Exh. 77 and 79.

5. Since, a criminal proceeding is pending against the accused, consent of the Court for renewal of passport and obtaining visa is necessary. Renewal of a passport or refusal of the same and issuance of visa 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. W9180844 pertaining to the accused Nitin Sudhakar Purohit, 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. This Court also consents the concerned authorities to issue visa for the period of six months to the accused Nitin Sudhakar Purohit, 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 issuance of visa.
4. The applicant shall not leave India without seeking permission of this Court for the same.

Date: 11.09.2023

(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 : S. A. Bhale

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

Date : 11/09/2023

Order signed by the presiding : 11/09/2023
officer on

Order uploaded on : 11/09/2023