

CNR No. MHSI03-000122-2016



ORDER BELOW EXH. 59 IN

R.C.C. NO. 29/2016.

State of Maharashtra ... Complainant

Vs.

Lagamanna Magdum & Ors. ... Accused

1. This is an application for permission to no objection to apply for passport. Perused application filed by applicant/accused No. 1, Lagamanna Maruti Magdum. Perused say filed by Ld. A.P.P. and Fertilizer Inspector. Perused documents on record. Heard both the side.

2. Ld. Advocate for applicant/accused No. 1 argued that, accused No. 1 is Indian Citizen permanently residing at Pune and was serving in Maharashtra Agro Industrial Development Corporation Ltd., Kolhapur. He retired in the year 2014. He is Indian Tax payer. His son Vinayak is residing in Germany with his family. He want to see them, but due to this case pending against him passport authority is asking for permission from the Court for issuing passport. Hence, this application.

3. Ld. A.P.P. and Fertilizer Inspector filed objection stating that, the day and duration of visiting abroad is not mentioned in the application. However, necessary order may be passed by imposing certain conditions.

4. On perusal of record, it appears that, the case under Section 3 r/w. 7(1)(a)(ii) of The Essential Commodities Act, 1955. In *Deepak*

Dwarkasing Chabriya Vs. Union of India AIR 1997 Bombay 181, the Hon'ble High Court observed that, citizens against whom criminal cases are pending are made exempt from the operation of section 6(2)(f) of The Passports Act, 1967, provided they produce order from the concerned Court permitting them to travel abroad subject to the terms and conditions mentioned in the notification. In other words an application of passport is not liable to be refused on the ground of pendency of criminal case if the applicant obtains permission from the concern criminal court for traveling outside India.

5. As per contents in the application, the applicant/accused No. 1 wants to meet his son, daughter-in-law and grand-son at Germany, but considering the above observation of the Hon'ble High Court I proceed to pass the following order.

ORDER

1. The application (Exh. 59) is allowed.
2. The passport authority is hereby directed to issue passport according to law to applicant/accused No. 1, Lagamanna Maruti Magdum.
3. The applicant/accused No. 1 is directed not to leave the country without prior permission of this court.

Sindhudurg-Oros.
Date: 02.12.2023

Sd/-
(Sampurna K. Karande)
Chief Judicial Magistrate,
Sindhudurg-Oros.