

ORDER BELOW EXH. 244

This application is filed by accused No.15 seeking permission of this court for the re-newal of the Passport for ten years.

2. On the perusal of charge-sheet it is seen that, the present accused is facing trial for the commission of offence p/u/s. 420 r/w 34 of Indian Penal Code and under section 74 (1)(b)(c)(f), 74 (4) and 74(5) of Maharashtra Value Added Tax Act, 2002

3. Heard the Learned advocate of accused. Learned Advocate of Accused claimed that, due to pendency of criminal case for renewal of passport, permission of the court where trial is pending is necessary. It is contended that the accused wants to travel abroad for the purpose of Haj pilgrimage. Hence, the present application is filed for getting 'no objection' certificate for the renewal of passport.

4. This application is contested by the Learned A.P.P as per say overleaf, wherein objection has been taken that passport department has powers to renew the passport. He further contended that applicant has not filed any application for passport renew or passport authority has not issued any letter to this court hence there is no reason for present application. Lastly, he prayed for rejection of the application.

5. As this is an application for re-newal of Passport, this Court needs to consider whether there is a chance of accused fleeing away. To consider this probability there should be some reason. In this application the accused is only claiming permission for re-newal of Passport and not for any Visa or seeking permission to travel abroad and getting a passport is the right of a citizen. Therefore, being no valid grounds to deny the

accused his right to apply for passport, following order is passed:-

ORDER

1. The application is allowed.
2. Issue 'no objection' certificate in proper proforma for the renewal of passport for ten years to accused No.15, Rahim Rajesaheb Hattiwale as per rule.
3. It is made clear that this 'no objection' would not mean to be a consent of this Court to allow accused No.15 to travel in any other country.
4. He will seek permission of this Court before traveling to other country for any reason.
5. The accused No.15 shall file undertaking that, he would not misuse the passport after it is issued by the passport authority.

Sangli.
Date: 06.03.2025.

[S. N. Shetty]
Chief Judicial Magistrate Sangli.