

ORDER BELOW EXH. 63

This application is filed by accused No. 4, Anil Anna Kognole seeking 'no objection' for the renewal of the Passport for the period of ten years.

2. Perused the application and say filed by Learned A.P.P. Heard both the sides. 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, 406, 408, 409 r/w 34 of Indian Penal Code.

3. This application is contested by the Learned A.P.P. as per say overleaf, wherein objection has been taken that as per judgment of Hon'ble Bombay High Court in **Abbas Kagalwala Vs. State of Maharashtra** the passport department has powers to renew the passport. Hence, he prayed for rejection of the application.

4. 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.

5. Perused the application. The application is for re-issuance of passport hence the accused was directed to file the documents about the passport office denying re-issuance of passport. Thereafter the accused has produced one letter on record received from passport office dated 04.10.2024. Perusal of the said letter reveals that the objection was raised by the passport office because there was suppression of facts on part of the accused about his pending criminal case. After the objection was brought to the notice of the accused it appears he has filed this application before this court. In this application again he has suppressed

the fact as to why passport office has raised objection on his application. The perusal of the objection letter of the passport office nowhere reveals that the passport office has sought no objection letter of this court from the accused. Considering this factor and considering the valid objection of prosecution, this is not a fit case, to issue no objection to the accused as prayed and following order is passed:-

ORDER

The application stands rejected.

Sangli.
Date: 30.01.2025.

Sd/-
[S. N. Shetty]
Chief Judicial Magistrate Sangli.