

MHSN060008882014



ORDER BELOW EXH.64 IN S.C.C. No.285/2014

[State of Maharashtra Vs. Yunus Bepari & Ors.]

This is an application filed by accused No.3 Salim Manjur Khan seeking permission for renewal of passport.

02. It is the contentions of applicant (accused No.3) that, present case is filed against him for the offences punishable under Section 11(1)(3) of the Prevention of Cruelty to Animals Act, 1960. He holding a passport bearing No.L3591567, issued on 26/08/2013 and expired on 25/08/2023. Applicant (accused No.3) applied for renewal of passport *vide* application No.PN5078776267823. Thereon, Passport Authority informed him to obtain the permission from Court. Therefore, he filed present application for permission of this Court for renewal of his passport. He further contended that, he is permanent resident of Miraj and having movable and immovable property thereat. Applicant has to travel abroad for his business. Therefore, he prayed for permission be granted to renewal of his passport.

03. The learned APP filed his say at Exh.33 objected to this application. He submitted that, applicant (accused No.3) did not given any details regarding where he intend to travel in abroad. Therefore, if the accused goes absconding, the case will be delayed. Hence, he prayed to reject the application.

04. Heard both sides. Perused the application and the say thereon.

05. The advocate for the applicant submitted that, his passport is expired. Therefore, he applied for passport renewal. He is intended to go foreign for his business purpose. But, wherever he is intended to go foreign, he will take permission from Court. He further submitted that, accused is ready to abide by all the conditions, which will be imposed on him. Accused is responsible person and he is not habitual offender. He has passport, but its period is expired. Therefore, renewal is necessary. Hence, he prayed to grant permission for renewal of passport in the favour of accused.

06. Perused the documents. The accused is going to apply for reissue of passport, which is expired on 25/08/2023. The pendency of a criminal case is not a bar for the issuance of Passport. The reason put forth by the applicant is based on travel and touring grounds. The record evinces that the applicant is the permanent resident of Miraj, Tal. Miraj, Dist. Sangli. The offences levelled against accused are triable by this Court. The trial will take its own course to get completed. When the trial is not likely to be completed within near future, I do not see any reason to reject the prayer of applicant. Furthermore, the apprehension of the complainant that, the applicant will flee away, can be taken care of by imposing some conditions. In the result, the application is allowed in following terms :-

ORDER

The application is allowed as follows :-

- i) Application is entitled for re-issuance or renewal of Passport by the passport authority of India as per rules.
- ii) Upon securing issuance of the passport, the accused is directed to furnish attested copy of his passport in the Court as early as possible. In the event, accused plans to travel out of India, he is required to file written application (with his tour itinerary detailed travel program, addresses abroad and other applicable details) before the Court and secure orders prior to his departure.

[Dictated & pronounced in open Court.]

Place : Miraj.

Date : 03/11/2025.

(Pravin U. Kulkarni)
Judicial Magistrate First Class,
[Court No.2] Miraj.