

MHSN060015192020

**R.C.C. No.276/2020**Maharashtra State V/s.
Idris Iliyas Naikwadi**ORDER BELOW EXH.74**

Present application is made by the accused No.1 Idris Iliyas Naikwadi for permission to renewal of his passport. It is contended that the offence punishable under Sections 354, 323, 504 and 506 of the Indian Penal Code is registered against present accused vide C.R.No.114/2020 with Miraj City Police Station. After completion of investigation, present charge-sheet is came to be filed in the Court. The accused want to travel abroad for holy purpose. The accused is having passport but its validity is expired on 04/09/2023. Therefore, it becomes necessary to renew his passport for tour programme of abroad if arranged in future. The accused is ready to furnish undertaking that he will inform the Court well in time of his detailed programme of abroad if arranged in future. On the aforesaid grounds, accused No.1 prayed that passport authority may be directed to renew his passport.

02. The learned A.P.P. filed say at Exh.76 and objected to grant permission for renewal of passport of accused No.1. She contended that present case is posted for hearing. The accused has not given details of his programme in abroad. In such circumstances, if permission is granted for renewal of passport to accused No.1, possibility of his absconding can not be ruled out. On the said ground, the Ld. APP prayed for rejection of application.

03. Heard both sides. Pursued documents on record. As per contention of accused No.1 validity of his passport is expired on 04/09/2023. Therefore, he is required to renew his passport for tour programme of abroad if arranged in future. The accused has filed copy of his passport along with Exh.73. It is seen that validity of passport is expired on 04/09/2023.

04. In view of the notification of the Central Government, issued on 25th August, 1993, the citizens against whom criminal cases are pending, are also entitled to passport and right to travel abroad, provided order of the Court in which the case is pending, permits the person to do so subject to terms and conditions.

05. The assertion of present accused No.1 that he intends to visit foreign for holy purpose, appears to be bonafide. It transpires from copy of passport that the accused has already obtained passport for a period from 05/09/2022 to 04/09/2023. Thus, validity of said passport is expired on 04/09/2023. As such, reason given by accused No.1 for renewal of his passport, appears to be cogent. Presently he has no programme arranged or fixed a date or destination to go abroad.

06. Hence, it deems necessary, if any date, destination or duration of any programme will be fixed by the accused in future, the accused shall in that contingency intimate well in time to this court and obtain prior permission by giving undertaking to that effect. Hence, I am inclined to grant the application. In the result, following order is passed.

ORDER

1. Application is allowed.

2. Accused No.1 namely, Idris Iliyas Naikwadi is permitted to renew his passport No.W4045629 for the period of one year.
3. Accused No.1 is directed that not to misuse the said passport and obtain prior permission of Court before traveling abroad.
4. Accused No.1 shall give undertaking to inform the Court well in time of his detailed programme of abroad if arranged in future, i.e. specific date, place and duration of his travel to abroad.

Miraj.
Date :- 04/04/2025.

(V. V. Khulape)
Judicial Magistrate F.C.
Miraj.