

MHSN060015192020



ORDER BELOW EXH.87 IN RCC NO.276/2020

[State of Maharashtra Vs. Idris Naikwadi & Ors.]

This is an application filed by accused No.2 Ayesha Idris Naikwadi and accused No.3 Atahar Idris Naikwadi seeking permission for renewal of passport.

02. It is the contentions of applicants (accused No.2 & 3) that, present case is filed against them for the offences punishable under Section 354, 323 and 504 read with Section 34 of the Indian Penal Code. Accused No.2 Ayesha holding a passport bearing No.N0741209, which is expired on 24/06/2025 and Accused No.3 Atahar holding a passport bearing No.M0525148 which is expired on 25/07/2024. Applicants applied for renewal of passport. Therefore, they filed present application for permission of this Court for renewal of their passports. They further contended that, applicants have to travel abroad for religious purpose and other work. Therefore, they prayed for permission be granted to renewal of their passports.

03. The learned APP filed her say at Exh.92 objected to this application. She submitted that, applicants were not given any details regarding where they intend to travel in abroad and their residence thereat. Therefore, if the accused goes absconding, the case will be delayed. Hence, she prayed to reject the application.

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

05. The advocate for the applicants submitted that, their passports were expired. Therefore, they applied for passport renewal. They are intend to go foreign for their religious purpose. But, wherever they intended to go foreign, they will take permission from Court. He further submitted that, accused are ready to abide by all the conditions, which will be imposed on them. Accused are responsible persons and they are not habitual offenders. They have passport, but its period is expired. Therefore, renewal is necessary. Hence, he prayed to grant “No objection” for renewal of passport in the favour of accused persons.

06. Perused the documents. The accused persons are going to apply for reissue of passport. The pendency of a criminal case is not a bar for the issuance of Passport. The reason put forth by the applicants is based on travel and touring grounds. The record evinces that the applicants are the permanent resident of Miraj, Tal. Miraj, Dist. Sangli. The offences levelled against accused persons 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 applicants. Furthermore, the apprehension of the complainant that, the applicants 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 of Passport the passport authority of India as per rules.
- ii) Upon securing issuance of the passport, the accused persons are directed to furnish attested copy of their passport in the Court as early as possible. In the event, accused persons plans to travel out of India, they are required to file written application (with their 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 : 07/11/2025.

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