

ORDER BELOW APPLICATION (EXH.5) IN
SESSION CASE NO. 68 OF 2023
CNR MHST19001221-2023
(State of Maharashtra Vs. Gajanan Prataprao Bhosale)

The applicant/accused No.8 seeks permission for renewal of passport.

02] The accused is prosecuted for the offences punishable under Sections 143, 147, 148, 324, 326, 332 and 353 read with Section 149 of the IPC and Section 135 of the Maharashtra Police Act.

03] The applicant/accused No.8 has filed the present application contending that he is Chairman of District Central Co-operative Bank, Satara. From 20.06.2023 to July 2023 he has to visit Finland, Swidon, Denmark, Norway and Dubai for study tour. Validity of his passport is going to expire. Hence, he has prayed for permission for renewal of the passport.

04] The respondent/State by filing say (Exh.6) resisted the application mainly on the count of pendency of the trial.

05] Heard Learned Advocate for the applicant and Learned Additional Public Prosecutor.

06] The record brought by the applicant/accused prima facie speaks that he is the Chairman of District Central Co-operative Bank Satara. He has filed copies of his immovable properties. Considering the letter of bank filed by him it appears

that he has to go abroad for the purpose of study tour on behalf of the bank.

07] The record and proceeding discloses that evidence in the matter is recorded and statement of the accused persons under Section 313 of Cr.P.C is also recorded. The matter is at the conclusion of the trial. In such circumstances there is little scope for hampering the trial. The applicant has filed undertaking that he will not abscond and on return to India he will attend the Court on the date fixed in the matter. Considering his position as well as existence of his immovable properties in Wai Taluka there is also little scope of his absconding. In the circumstances it would be just and proper to permit him to visit abroad for study tour.

08] Rule 12 of the Passport Rules, 1980 specifies that the passports, other than for a child aged more than 15 years, shall be in force for a period of ten years or twenty years as the case may be from the date of its issue. It indicates that the normal period under this Rule is 10 years or 20 years.

09] In this respect in ***Narendra K. Ambwani Vs. Union of India Writ Petition No. 361 of 2014*** Division Bench of our Hon'ble High Court has issued following guidelines :

“11(a) In all cases where the Magistrate's Court directs renewal of the passports under the Rules, the Passport Rules, 1980 shall apply and passports other than for a child aged more than 15 years shall be renewed for a period of ten years or twenty years as the case may be from the date of its issue. All qualifying applicants are entitled to have passport

renewed for at least ten years. The Regional Passport Office shall renew the passport of such qualifying applicants at least for ten years."

10] In ***Ashok Roopchand Jain Vs. The State of Maharashtra & Ors. Criminal Appeal No. 306 of 2019***; and ***Jindal D/o. Nishith Dalal Vs. The State of Maharashtra & Anr. Writ Petition No. 174 of 2021*** also our Hon'ble High Court is pleased to direct the Passport Authority to renew passports for ten years.

11] In the light of this legal position the applicant deserves to renew his passport for ten years. In the result the application deserves to be allowed. Accordingly, I pass following order :

: ORDER :

- 01] The application (Exh.5) is allowed.
- 02] The Passport Authority is at liberty to renew passport of applicant-accused No.8 (Nitin Laxmanrao Jadhav/ Patil) for the period of 10 years.

WAI

Date : 03rd June 2023.

**(S.G. Nandimath)
Session Judge, Satara.**