

ORDER BELOW EXH.07

Present application is filed by accused no. 2 Pawan Sudhir Jagtap for seeking permission for passport.

2. It is submitted that this matter is pending against this accused and another. Accused are released on bail. It is further submitted that this accused is serving at Sudarshan Chemicals, Pune as Associate. For the purpose of pursuing higher education it is necessary to appear for exam and the form of that exam asks for the details of the passport while submitting the same. Hence, this accused has applied for passport. The police authority has conducted his verification, the fact as to the pendency of this matter is revealed. Hence, he is communicated to have permission of the Court. He further submitted that it is mandatory to submit that form of exam till the end of this month. The alleged offence is not that much serious. It is also submitted that this accused is ready to abide by conditions imposed by the Court. It is necessary to grant the permission for passport. Hence, this application.

3. The learned A.P.P. filed his say and objected the application. He submitted that the accused mentioned that P.S.O., Wardha has intimated him for permission of Court for passport however, no such a letter is filed on record, the form by which he applied for passport is also not filed on record. The documents filed by the accused are grade sheet and blank form of IELTS registration, from which it cannot be said that accused got the admission at foreign university. If permission is given and the accused leave India

it will hamper the trial of this matter. Lastly he prayed to reject the application.

4. Heard learned advocate for accused no.2 and learned A.P.P. for the State.

5. It is seen that this accused wants to pursue higher education and for that wants to appear for exam. For the purpose of form of that exam the details as to passport are required. This accused has applied for passport. Documents are filed on record. Those are consolidated grade sheet, IELTS registration and passport application form.

6. The Indian Constitution provides fundamental Right to move freely and right of education. Thus those rights cannot be curtailed. Passport is the official travel document issued by concerned authority. It seems that accused no. 2 is the resident of Wardha. Considering this factual position if the permission is granted for passport, there will be no prejudice to the prosecution. Considering the objection of ld. A.P.P. it will be proper to impose some condition. Thus, in this situation application deserves to be allowed. Hence, I pass following order.

ORDER

1. Application Exh.7 is allowed.

2. The passport authority, as independent authority is at liberty to issue passport to applicant/accused No. 2 Pawan Sudhir Jagtap as per their rules.
3. Applicant/accused No. 2 to furnish P.R. bond of Rs. 15,000/- (Rupees Fifteen Thousand only).

Place : Wardha

Date : 12/06/2023

(L. H. Jadhav)
Judicial Magistrate First Class
(Court No. 3), Wardha.

Certified that PDF copy of Order supra is word-to-word identical to the original Order.

(I.K.Khan)
Stenographer Grade-III