

ORDER BELOW EXH. 12

Present application is filed by accused no. 2 Pawan Sudhir Jagtap for seeking permission to go Canada for education and for passport in relation to it.

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. Applicant had appeared for exam of Master certificate, after receiving the result, on 06/02/2024 Southern Alberta Institute of Technology, Calgary, AB T2M 0L4, Canada communicated to applicant for admission. As per that admission letter for Product Management Professional Certificate Program some compliance is directed. Moreover, the applicant has paid 1750 dollar i.e. Rs. 1,10,000/- on 24/02/2024 by online payment. The span of education is for two years, visa is necessary. As per order passed below application at Exh. 7 applicant had received the passport from concerned authority. But further seven years passport is necessary for education of two years course and it is necessary to permit the applicant to go Canada for education purpose. For the purpose of perusing education and for getting visa the passport for minimum seven years is required. Hence, this application.

3. The learned A.P.P. filed her say and submitted that in the instant matter accused no. 2 again moved an application alleging thereby that he wants to go to abroad/foreign for two years. The aim/goal set in the application is noble one and paramount. At the same time applicant is accused no. 2 and his continuous absence for long time for two years may/will hamper the matter. Furthermore, there is no document placed on record by the accused that his admission/seat is confirmed by the foreign institution. The documents placed on record are not original and nor duly attested. Lastly 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 appear for Product Management Professional Certificate Program. The span of course is of 2 years for which visa and passport for seven years needed. Documents are filed on record.

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 to go abroad for higher education, 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) The application Exh. 12 is allowed.
- 2) The passport authority, as independent authority is at liberty to issue passport for the purpose of education for two years along with visa and passport for seven years to applicant/accused no. 2 Pawan Sudhir Jagtap as per their rules.
- 3) Applicant/accused no. 2 is allowed to go Canada for education purpose.
- 4) Applicant/accused no.2 to furnish P.R. of Rs.10,000/-.

Wardha.
Date : 08/04/2024.

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