

ORDER BELOW EXH. 10 IN S.C.C. NO. 1462/2022
(Passed on 22/01/2024)

01. This is an application filed by the applicant/accused Mohammad Younus Shaikh Yousuf for issuance of passport. The applicant/accused has submitted that, he is willing to travel abroad for Haj/Umrah Pilgrimage in Saudi Arabia. He has further submitted that when he had approached the Passport Authority for the same, the Passport Authority had asked the order of the Hon'ble Court from him. Therefore, he has prayed for necessary directions be given to the Passport Authority to issue him the passport. The applicant/accused undertakes to remain present for trial.

02. Say of Learned A.P.P. for the State was called. Learned A.P.P. resisted the application by filing his say and contended that, if permission to go abroad is granted, the applicant/accused may abscond and due to his absence trial may be delayed. Therefore, he prayed for rejection of application.

03. Heard both sides. Perused the documents on record. From the record, it is seen that the applicant/accused alleged to have committed offences punishable under Section 118, 269, 270 of I.P.C. The applicant/accused is on bail. There is no material on record to suggest that the applicant/accused is habitual offender or that he has any criminal antecedents except the present criminal case. In such circumstances and looking to the applicant/accused's holy purpose (as mentioned in the application) for his intention to go abroad, I am of the view that no prejudice will be caused to the prosecution if the present application is allowed. As per the observations laid down by the *Hon'ble Bombay High Court in Shayam Dwarkadas Chabaria Vs. Regional Passport Officer and another reported in 2000 Cri.L.J. 2942*. Criminal Case is not a ground for refusal of passport.

Applicant/accused cannot be deprived to travel abroad merely because of pendency of the criminal case/present trial. Hence, I am of the opinion that, no harm would be caused if the directions are given to the Passport authority for issuance of passport facility to the applicant/accused, if he is eligible for it. In the result, I pass the following order :-

: ORDER :

- A) The applicant/accused Mohammad Younus Shaikh Yousuf is permitted to obtain passport, as per the rules in that regard.
- B) The applicant/accused shall obtain permission of this Court by stating his address and duration of stay in the abroad before leaving the country.
- C) The applicant/accused shall undertake that his absence will not be the reason of delay in the trial of this case.

Umarkhed
Dated: 22/01/2024

Sd/-
(P.S.Patil)
Judicial Magistrate First Class,
Umarkhed