

Sessions Case No.162/2022

The State of Maharashtra

Vs.

Nikhil Babasaheb Ware and others.

:ORDER BELOW EXHIBIT 172:

1. Applicant-accused Nikhil Babasaheb Ware has filed this Application seeking permission to apply for grant of Passport. The accused persons are facing trial for the offence punishable under Sections 353, 332, 336, 337, 452, 143, 147, 148, 152, 427, 323, 506, 114, 117, 225, 109 and 149 of IPC and under Sections 3 and 7 of Maharashtra (Prevention of Defacement of Property) Act and under Section 3 of Prevention of Damage to Public Properties Act registered by Camp Police Station, Ahmednagar, vide C.R. No.I-108/2018.

2. According to the applicant-accused, he intends to get Passport from concerned authority. However, due to pendency of this prosecution against him, he cannot apply to get passport unless Court permits him for the same. He is ready to abide by conditions which may be imposed by the Court. Therefore, he seeks permission of this Court to apply for passport to the concerned authority.

3. The learned APP submitted his say and contended that there is possibility that the applicant-accused will not attend dates if he goes to abroad. Offence is serious one. Case is pending since long. The hearing of the case will be adversely affected. Hence, he sought for rejection of the application.

4. Heard both the sides at length and also perused the documents filed on record.

5. The record shows that applicant-accused is on bail. Hearing of the case is yet to commence. Trial will take its own time for its conclusion. In the backdrop of these facts and circumstances, there will be no prejudice to the prosecution if the applicant-accused is permitted to apply for grant of Passport. Hence, I pass the following order.

: O R D E R :

- (1) The application is allowed.
- (2) The permission is granted to the applicant Nikhil Babasaheb Ware to apply for Passport. The concerned authority is directed to consider the application of the applicant as per the Passport Act, if it fulfills the criteria prescribed in the Act.
- (3) Inform the concerned accordingly.

Date :07/10/2023.

Sd/xxx
(**Prashant R. Sitre**)
Additional Sessions Judge,
Ahmednagar.