

MHLA010022632026	Presented on	:	24.07.2026
	Registered on	:	24.07.2026
	Decided on	:	05.08.2026
	Duration	:	Y. M. D. 00 00 12

IN THE COURT OF ADDITIONAL SESSIONS JUDGE -2,
LATUR,
(Presided by R. B. Bhagwat)

Criminal Revision Petition No.55/2026

Exh.8

Kalim Mahemood Sab Kureshi
Aged 75 years, Occu.- Labour,
R/o. Kureshi Mohalla, Bohai Galli,
Latur Tq. & Dist. Latur.

.... **Petitioner**

-Versus-

The State of Maharashtra.

.... **Respondent**

Criminal Revision u/sec.438 of the Bharatiya Nagarik Suraksha
Sanhita, 2023.

Shri. A.M. Kazi, Advocate for petitioner.
Shri. S.V. Deshpande, APP for the respondent.

J U D G M E N T

(Delivered on this 05th day of August, 2026)

Being aggrieved by the order dated 20.07.2026 passed below Exh.109 in R.C.C. No.1031/2023 (State Vs. Mohammad and others) by Chief Judicial Magistrate, Latur, whereby the application for re-issuance of passport was rejected, this revision is preferred.

2] According to revision petitioner, he is accused No.3 in RCC No.1031/2023, which is pending before the Hon'ble Chief Judicial Magistrate, Latur. He wants to go abroad i.e. at Makkah Madina for

pilgrimage. For said reason he applied for re-issuance of passport with the Regional Passport Authority, Pune. But, the concerned authority requires no objection certificate of the court before which the said criminal case is pending against revision petitioner. Hence, he preferred application Exh-109 before the C.J.M. Court Latur before whom his case is pending. The learned CJM rejected his application. The said order of rejection is not as per the principles of natural justice. It affects the fundamental rights of petitioner under Article 21 of the Constitution. Hence, he prayed that impugned order be set aside and present revision be allowed as prayed.

3] The ld. DGP for state appeared in the revision. He filed his written say to the revision vide Exh.7. According to him, present revision is not maintainable in the eyes of law. Further that, the impugned order is legal and proper. The trial court rightly mentioned in the order that, the court may grant permission to the applicant to travel abroad and not to issue the no objection to the passport. The charges levelled against the revision petitioner are serious. There is possibility that he may abscond with the help of passport. Hence, he submitted that present revision be dismissed.

4] On the basis of averments in the revision and the argument advanced by both the sides, following points arise for my determination, I have recording my findings each of them for the reason stated therefor :-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
(i)	Whether the impugned order passed below application Exh.109 in R.C.C.No.1031/2023 by ld. C.J.M., Latur on 20.07.2026 is legal and justified ?	Partly affirmative.

(ii)	Whether the impugned order needs to be interfered by this Court ?	In Affirmative.
(iii)	What order ?	Revision is partly allowed.

REASONS

As To Point Nos. 1 & 2 :-

5] Point nos.1 and 2 are connected with each other. Hence, it would be justified to determine both the said points together.

6] The advocate of applicant relied upon the authority of Hon'ble Delhi High Court in case of **Aman Jain Vs. Customs in Cri. Rev. P. No.854/2022 decided on 06.02.2024**. In the said order Hon'ble Delhi High Court held that, revision petition against the impugned order denying permission to release his passport is in the nature as trappings of finality and decides the vital and valuable rights of the petitioner. For the said reason revision against the impugned order is maintainable. The impugned order in present petition pertains to rejection of application seeking directions to the Regional Passport Officer for re-issuing passport to the revision petitioner. The impugned order does have trappings of finality and decides the legal rights of the petitioner for obtaining passport. Hence, in view of the observations of the above cited authority I hold that, revision petition is maintainable.

7] Whenever a criminal case is pending against an accused who wants to obtain / renew passport, the court in which such case is pending can only issue no objection certificate and leave it to the passport authority to decide whether such accused is entitled for obtaining passport if he fulfills the requisite criteria for the same. Hence, the

revision petitioner was only required to seek no objection from the Chief Judicial Magistrate for making application for passport. Instead he sought NOC for obtaining passport for validity of 10 years, which is not legally permissible for a criminal court to issue such direction to the concern passport authority.

8] As per Central Government Notification dated 25.08.1993 which covers section 6 (2) (f) of the Passport Act, the passport authority can issue / renew a passport of the accused if there is specific order from the court before which the criminal case against such accused is pending. If no specific period for renewal of passport is prescribed by the court, the passport authority can issue the passport in view of the said notification for the maximum period of one year. Hence, in view of the said Government notification, there was no impediment for the learned CJM to issue NOC for obtaining passport by the revision petitioner and leave it to the passport authority to decide whether the passport of applicant can be issued and for what period. A rejection of his application in totality affects the legal rights of revision petitioner to obtain a passport and travel abroad. Hence, in my considered opinion to that extent the impugned order is not legally correct. The revision petitioner is only entitled for NOC for renewal of his passport. His prayer for issuing direction to the concerned passport authority to renew his passport for the period of ten years can not be granted for the aforesaid reasons.

9] In catena of judgments of the Hon'ble Apex Court and Hon'ble High Courts the issue of NOC by the concerned criminal courts for obtaining passport have been upheld. In view of above reasons I answer my findings to point no.1 as partly affirmative and point no.2 in

affirmative.

As to Point No.3 :-

10] In view of reasons discussed in para Nos.6 to 9, I hold that the impugned order dated 20.07.2026 passed below Exh.109 in R.C.C. No.1031/2023 (State Vs. Mohammad and others) by Chief Judicial Magistrate, Latur, is liable to be set aside and this revision petition deserves to be partly allowed. Hence, I pass following order :-

Order

1.	Instant revision is partly allowed.
2.	The order dated 20.07.2026 passed below Exh.109 in R.C.C. No.1031/2023 by Id. Chief Judicial Magistrate, Latur is hereby set aside.
3.	No objection is granted to the applicant /accused No.3 Kalim Mahemood Sab Kureshi, for re-issuance of passport. The Regional Passport Office Authority may re-issue passport to him as per rules / notification if he satisfies the necessary requirements and fulfills the criteria for re-issuing a passport.
4.	Before proceeding abroad, the applicant /accused No.3 Kalim Mahemood Sab Kureshi, to seek necessary permission from the concerned court.
5.	Inform concerned Court and police station accordingly.

Sd/-

Date : 05.08.2026.

(R.B. Bhagwat)
Additional Sessions Judge-2,
Latur.