

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.36 OF 2015
IN
CRIMINAL APPEAL NO.639 OF 2007

Tariq Abdul Karim Parveen @ Tariq Parveen	 Applicant
V/s.	
State of Maharashtra & Anr.	 Respondents

Mr. Ayaz Khan, a/w. Mr. Rajesh Vanzara,
for the Applicant.

Mrs. V.R. Bhosale, A.P.P., for Respondent No.1/State.

Mrs. Uma Shailesh Palsuledesai for Respondent
No.2/Union of India.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 17TH FEBRUARY, 2015.

P.C. :

1. At the outset, Mr. Ayaz Khan, the learned counsel for the applicant, states that the applicant does not press for the reliefs prayed for at prayer clauses (c) and (d). We, accordingly, dismiss this application in respect of prayer clauses (c) and (d) with liberty to the applicant to pray for the relief at prayer clause (d), as and when necessary.

2. It appears that the applicant is one of the accused in an MCOC trial, i.e. MCOC Special Case No.3 of 2003, and, along with the other accused,

stands convicted for the offences punishable under the MCOC and under Section 387 r/w. 34 of the Indian Penal Code. The maximum term of imprisonment for which the applicant is convicted is R.I. for five years and fine of Rs.5,00,000/-. It also appears that the Passport of the applicant was deposited with the Registrar of the City Civil and Sessions Court, Bombay.

3. By this application, the applicant prays that the Passport be returned to him to enable him to apply to the Passport Authorities for re-issuance of the Passport. We see no impediment in allowing the present application on the following conditions :-

- (a) The application is allowed and the Registrar, City Civil and Sessions Court, Bombay is directed to return the Passport to the applicant.
- (b) The applicant is permitted to apply to the Passport Authorities for re-issuance of the Passport. The Passport Authorities shall deal with the application of the applicant in accordance with law.
- (c) The applicant shall give an undertaking to the Registrar, City Civil and Sessions Court, Bombay that after the Passport is handed over to him, the applicant shall not leave the jurisdiction of this High Court i.e. the applicant shall not travel outside Maharashtra.

(d) On the Passport being re-issued to the applicant, the applicant shall deposit the same with the Registrar, City Civil and Session Court, Bombay.

4. The application is allowed on the terms as stated above.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]