

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1300 OF 2015

IN

CRIMINAL APPEAL NO.887 OF 2001

HASNAIN JALAL KHARBE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Ritesh Ratnam i/b. Shri Ganesh Gole, Advocate for the Applicant.

Ms.R.M.Gadhvi, APP for the Respondent – State.

Shri Ganpat Ganeshkar, A.PI., present in the court.

CORAM : ABHAY M. THIPSAY, J.

DATE : 21st DECEMBER 2015.

P.C. :

1 Taken on production board, on being mentioned.

2 Heard Shri Ritesh Ratnam, he learned counsel for the applicant. Heard Ms.R.M.Gadhvi, the learned APP for the State. The Investigating Officer, A.PI. Shri G.B.Ganeshkar, is present in the court.

3 The learned APP has made available to me the report submitted by the Investigating Officer, addressed to the Public Prosecutor. The same is taken on record.

4 The applicant is convicted of an offence punishable under Section 324 of the IPC and is sentenced to suffer Rigorous Imprisonment for 2 years and to pay a fine of Rs.3000/-. The appeal filed by the applicant challenging his conviction and sentence imposed upon him is pending. During the pendency of the appeal, the applicant intends to travel abroad. The applicant, however, is unable to get a passport due to the pendency of the present appeal, and in view of the provisions of Section 6 of the Passport Act. The applicant seeks permission to depart from India from this court, so that, in the event of getting such a permission, he would be exempted from the application of the provisions of Clause (f) of sub-section (2) of Section 6 of the Passport Act.

5 Considering all the relevant aspects of the matter, I am inclined to allow the application as follows.

6 The applicant is permitted to depart from India on the following conditions :

1. The applicant shall give his detailed itinerary and other details, such as places of destination, flight number, ticket number, visa particulars etc. to this court atleast one week before his actual departure from India.
2. The applicant shall give his address and telephone contact numbers where he would be available for communication while abroad to the investigating agency and also file the same in the court atleast 72 hours before his actual departure.
3. The applicant shall also seek a specific permission of this court to travel to a particular place before actually departing from India by giving the necessary particulars, and shall not depart from India unless such a permission, which may be granted on such terms and conditions as the court may think fit, is granted.

7 The application is allowed in the aforesaid terms and to the aforesaid extent.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment /Order.**