

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1709 OF 2016

Mr. Shailesh Munish Gupta ... Petitioner

V/s.

The Union of India & anr. ... Respondents

Mr. Amarendra Mishra for the petitioner.

Mrs. S.D. Shinde, APP for the State.

Ms. Rebecca Gonsalves for respondents 1 and 2.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

27th June, 2016.

P.C.

The petitioner prays for following substantive relief;

(a) That this Hon'ble Court be please to issue, Writ of Certiorari, Mandamus or any other appropriate Writ, Order or be pleased to direct the Respondent No.2 authorities to consider the Application dt. 24/4/2016 of the Petitioner for renewal of Passport No. M0226871, in the light of the facts and circumstances and be directed to renew the same for a period of 10 years or for any other substantial period, as this Hon'ble Court deems fit and appropriate.

2. Learned Counsel submits that time and again petitioner has approached the Court for seeking orders of the Court for renewal of passport and for his travel approval. This is causing inconvenience to the petitioner. It is submitted that in view of the fact that petitioner is an accused in a chargesheet filed for an offence punishable under Section 498 (A) read with Section 34 IPC and as the petitioner is required to travel abroad, the passport shall be renewed for a period of ten years.

3. Learned Counsel for the respondent has placed on record a notification issued by Ministry of External Affairs, New Delhi dated 25th August, 1993 in exercise of powers conferred by clause (a) of Section 22 of the Passports Act, 1967. The Central Government had placed certain conditions on persons against whom criminal proceedings are pending, in getting renewal of passport.

4. It is submitted that petitioner had earlier approached this Court by filing a writ petition. The petitioner contends that he alongwith other accused in the said CC No. 964/P/2003 had filed a Writ Petition No. 1513/2015 praying for expediting the trial. Learned Single Judge of this Court by an order dated 23rd July, 2015 allowed the petition by directing the Magistrate to complete the trial within six months. It is submitted that

inspite of order, the trial is still kept pending.

5. It seems that due to pendency of the criminal case, the petitioner had approached the authorities for renewal of passport time and again which may be causing inconvenience to the petitioner. The petitioner has remedy to request the trial Court seeking appropriate orders for renewal of the passport.

6. In the facts of the case, we are not inclined to exercise our extraordinary writ jurisdiction. Keeping all issues on merits open, petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.