

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

**CRIMINAL APPLICATION NO.880 OF 2015
IN
CRIMINAL APPEAL NO.1006 OF 2002
WITH
CRIMINAL APPEAL NO.878 OF 2002**

Ramesh S. Taurani .. Applicant

V/s.

The State of Maharashtra & Anr. .. Respondents

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Mr. A.H.H. Ponda i/b. Mr. Apooov Singh, Advocate for the
Applicant.
Mr.J.P. Yagnik, APP for Respondent - State.

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

DATED : AUGUST 22, 2016.

P.C. :

The applicant was an accused in C.R.No.71 of 1997 registered for offences punishable under Sections 302, 307, 379 read with Section 34 of the Indian Penal Code (for short "IPC") and Section 120-B of the IPC. He was tried in Sessions case no.15 of 1998. It is submitted that by judgment and order dated 29th April, 2002 delivered by learned Additional Sessions Judge, Greater Bombay applicant was acquitted of the charges.

2 Respondent – State filed an Appeal against judgment and order of acquittal bearing Criminal Appeal No.1006 of 2002. Appeal was admitted by this Court.

3 A division bench of this Court by an order dated 2nd May, 2005 in Criminal Application No.1369 of 2005 filed by the applicant directed that the applicant shall always take prior permission of this Court before leaving this Country for any assignment abroad.

4 Learned counsel appearing for applicant submits that since then applicant might have visited abroad near about 24 times under the permission granted by this Court by getting his passport renewed from time to time. Learned counsel submits that Appeal filed by the State was tagged along with Appeal filed by a convicted accused. Accused Abdul Rauf being absconding, his Appeal could not be heard, therefore Applicant's appeal is also not being heard.

5 Learned counsel submits that Appeal filed by Abdul Rauf was numbered as Appeal 878 of 2002. Learned counsel

submits that at this stage, looking in to the past record, it would be desirable to renew the passport of applicant. Learned counsel refers to a judgment of this Court (Coram : V. M. Kanade & A.K. Menon, JJ.) in Writ Petition No.361 of 2014 dated 13th March, 2014 wherein Guidelines were framed by this Court. A notification issued by the Ministry of External Affairs, Government of India dated 25th August, 1993 was referred to. Learned counsel appearing for respondent no.2 submits that on applicant making an application for renewal of passport, the concerned authority would take appropriate decision in the light of provisions of the Passport Act, 1967 and the subject Notification. Learned counsel submits that applicant as of right cannot claim that his passport shall be renewed for a period of ten years as Appeal filed by the State is under consideration of this Court on merits.

6 We perused the judgment cited supra and Notification dated 25th August, 1993 issued by the Central Government.

7 We would deal with the request made by applicant on merits. Considering the past record wherein this Court had passed orders from time to time permitting petitioner to travel

abroad we find it appropriate to consider the request made by petitioner for renewal of passport. The respondents have not placed any adverse material on record so as to deny relief to the applicant. The question is for what period the passport is to be renewed. Notification dated 25th August, 1993 issued by the Ministry of External Affairs in exercise of the powers conferred by Clause (a) of Section 22 of the Passport Act, 1967 stipulates that the Court would specify a period for which the passport has to be issued. In the facts at this stage the passport could be renewed for substantial period.

8 We are of the view that applicant's request for renewal of passport for a period of ten years deserves consideration.

:: ORDER ::

- (i) On applicant filing an application for renewal of passport, respondents are directed to renew the passport for a period of ten years.
- (ii) Application is disposed of accordingly.

9 It is clarified that we have not expressed any view and/or opinion on the Guidelines framed by the Division Bench of this Court.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)