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

**CRIMINAL APPLICATION NO.1103 OF 2016
WITH
CRIMINAL APPLICATION NO.1104 OF 2016**

Nishant Rajendra Agarwal .Applicant

Vs.

The State of Maharashtra & ors. .Respondents

Mr.Shailendra Pendse, Advocate, for the
Applicant in both matters
Mr.S.R.Agarkar, APP, for the Respondent No.1 –
State
Ms Manisha Jagtap, Advocate, for the Respondent
No.3 – UOI

CORAM : REVATI MOHITE DERE, J.

DATE : 30.09.2016

P.C.

. Heard learned counsel for the Applicant
and the learned counsel for the Respondent No.3
– UOI – Ministry of External affairs.

2. At the outset, learned counsel for the
Applicant presses only for prayer clause (a) in
this Application. Prayer Clause (a) reads
thus :-

"This Hon'ble Court be pleased to quash and set aside the Order dated 19.07.2016 passed by the Hon'ble Sessions Judge at Dindoshi, and thereby direct the Respondent No.3 to re-new the passport of the Applicant for a period of one year."

3. Learned counsel for the Applicant states that in view of the Notification issued by the Ministry of External Affairs dated 25.08.1993, it is necessary for the Applicant to approach this Court for seeking a direction to the Respondent No.3 to re-new his passport for a period of one year.

4. Learned counsel for the Respondent No.3 states that the Applicant can apply to the Passport Authority and the Passport Authority will re-new his passport for a period of one year, in view of the Notification dated 25.08.1993, if the Application is found to be in order.

5. As far as prayer clause (b) is concerned, learned counsel for the Applicant does not press the said prayer clause at this stage. However, he seeks liberty to file an appropriate Application before the Sessions Court for seeking permission to travel abroad after his passport is re-newed by the Respondent No.3.

6. If the Applicant applies for renewal of his passport, the Respondent No.3 to consider the said Application for a period of one year in accordance with law.

7. As far as prayer clause (b) is concerned, the Applicant is at liberty to file an appropriate Application seeking permission to travel abroad, before the Sessions Court after the renewal of his passport.

8. Accordingly, the Cri.Application

No.1103 of 2016 is disposed of on the aforesaid terms.

9. In view of the order passed in Criminal Application No.1103 of 2016, nothing survives for consideration in Criminal Application No.1104 of 2016. Hence, learned counsel for the applicant seeks leave to withdraw the aforesaid application.

10. The Cri.Application No.1104 of 2016 is accordingly disposed of as withdrawn.

11. Needless to state, that the applicant will be at liberty to file an appropriate application, before the appropriate Court, if he intends to travel abroad.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)