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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4852 OF 2015

Miss. Pooja Motilal Pandey

..Petitioner

Vs.

The State of Maharashtra & Anr.

..Respondents

Mr. J.S. Jondhale i/b Jondhale & co., for Petitioner.

Mr. V.V. Kejariwal, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 23rd March 2016.

P.C.

1 By the present petition, the petitioner has challenged the orders dated 11.8.2015 and 24.11.2015 passed by the Metropolitan Magistrate, 10th Court, Andheri, Mumbai thereby rejecting the prayer of the petitioner for grant of permission to renew her passport.

2 The petitioner is an accused in CR No.8 of 2015 registered with Juhu Police Station, Mumbai under Sections 509, 506, 465, 468, 420 of Indian Penal Code. After completion of investigation, the police have filed the chargesheet which is culminated into CC No.680/PW/2015. The record discloses that the passport issued in favour of the petitioner expired

in the month of February 2016. The petitioner preferred an application below Exhibit 1 in CC No.680/PW/2015 with a prayer to permit her application for renewal of her passport. The said application came to be rejected by the Metropolitan Magistrate by its order dated 11.8.2015. While rejecting the said application, the learned Trial Court has observed that, so far as the said application is concerned, the applicant (petitioner herein) can apply for renewal of her passport before appropriate authority and directions from the said Court were not required for the same. The prayer to travel abroad was rejected by the said order. It appears that the petitioner thereafter made an application before the Passport Authority which was rejected on the ground that the petitioner being an accused in the aforestated case, permission from the Court for renewal of the passport and to travel abroad was necessary. The record further discloses that the petitioner again filed an application before the concerned Magistrate seeking permission for renewal of her passport. However, the learned Magistrate by its order dated 24.11.2015 rejected the said application on the ground that the earlier application preferred by the applicant was rejected by the said Court and therefore subsequent application was not maintainable. It is observed in the said order that the petitioner has not challenged the earlier order before appropriate authority and therefore the

said application came to be rejected.

3 As stated earlier, and as a matter of fact while passing the order dated 11.8.2015 the learned Magistrate has observed that the petitioner can apply for renewal of her passport before the appropriate authority and the directions from the Court were not required in that behalf. The petitioner is an accused in the aforesaid case and the trial of the said case is pending for final adjudication. In view of the same the order dated 24.11.2015 is set aside and the respondent No.2 is hereby directed to consider the application of the petitioner for renewal of her passport as per the provisions of the law and without any delay.

4 The petition is allowed in the aforesaid terms.

(A.S. GADKARI,J.)