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

**CRIMINAL APPLICATION NO. 423 OF 2017
IN
CRIMINAL APPEAL NO. 639 OF 2007**

Tariq Abdul Karim Parveen @ Tariq Parveen ...Applicant
(Orig. Accused No.9)

Vs.
State of Maharashtra ...Respondent

Mr. B.B. Tiwari i/b. BBT Legal, Advocate for the Applicant
Mr. H.J. Dedia, A. P P for the State

**CORAM : SMT. V.K. TAHILRAMANI, &
M.S. KARNIK, JJ.
DATED : 30TH MARCH, 2017**

ORAL ORDER (PER SMT. V.K. TAHILRAMANI, J.):

1. Heard both sides.
2. By this application the applicant / appellant in Criminal Appeal No. 639 of 2007 prays for necessary direction to be issued to the Registrar, City Civil and Sessions Court, Mumbai for returning the passport of the applicant and also to permit the applicant to travel abroad to China and Saudi Arabia for a period of eight weeks commencing from 25th April, 2017.

3. It is an admitted fact that this Court has permitted the applicant to travel abroad by order dated 4th October, 2013 in Criminal Application No.1314 of 2013 by order dated 30th January, 2014 and thereafter by order dated 11th February 2016 in Criminal Application No.37 of 2016. In the light of the fact that this Court had permitted the applicant to travel abroad on three earlier occasions, we are therefore, inclined to grant the prayer of the applicant to travel abroad.

4. We accordingly allow the present application and permit the applicant to travel to China and Saudi Arabia from 25th April, 2017 to 24th June 2017 on the condition that the applicant shall deposit an amount of Rs.1,00,000/- (Rs. One lac only) in the City Civil and Sessions Court, Mumbai and on his return the applicant shall be at liberty to apply for refund of the said amount of Rs.1,00,000/- deposited in the City Civil and Sessions Court at Mumbai. The deposit of the amount of Rs.1,00,000/- shall be a condition precedent for the applicant to travel to China and Saudi Arabia. On the applicant depositing the said amount, the trial Court shall hand

over the passport to the applicant. The applicant shall inform the concerned police station of the address where the applicant will reside when in China and Saudi Arabia and also contact numbers on which he can be contacted during the period that he is in China and Saudi Arabia. In addition he will submit a detailed itinerary of his travel to the concerned Police Station.

5. By the second prayer, the applicant is seeking direction to the Passport authority to renew passport and issue a fresh passport in accordance with the Rules of the Passport Act. As far as this prayer is concerned, it is seen that this Court by order dated 17th February, 2015 passed in Cri. Application No.36 of 2015 which had been preferred by the applicant to permit the applicant to apply to the passport authority for re-issuance of the passport, directed that the passport authority shall deal with the application of the applicant in accordance with law. In view of the order dated 17th February, 2015, we are inclined to grant prayer of the applicant and the applicant is permitted to apply to the passport authority for re-issuance of the passport. Passport authority shall deal with the application of the applicant in accordance with law. Thus, on

applicant's returning back from China and Saudi Arabia after his fresh passport is re-issued, he shall deposit his passport back with the Registrar, City Civil and Sessions Court, Bombay within a period of twenty days from his return from Saudi Arabia and China.

6. Application is allowed in above terms and is disposed of accordingly.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI, J.)