

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.443 OF 2017

IN

CRIMINAL APPEAL NO.450 OF 2013

Shaikh Sher Mohammad Ahmad ... **Applicant**
V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.R.V.Watulkar i/b. Mr.C.P.Sengaonkar, Advocate for the Applicant.

Ms.V.S.Mhaispurkar, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 18th APRIL 2017.

P.C. :

1 The applicant, who was public servant serving the State as Assistant Police Sub-Inspector, along with the co-accused came to be convicted of offences punishable under Sections 5(5) read with Section 7 and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 by the learned Special Judge, Nashik. By this application, he is praying for directing the Passport Officer to issue passport to him for a period of five years.

2 Heard the learned Advocate appearing for the applicant/appellant/original accused. He argued that the applicant is on bail and he has not misused his liberty. He, therefore, requested for issuing direction to passport authority to issue passport to him.

3 The learned Additional Public Prosecutor objected the application by contending that the the applicant has not joined the passport authority as the party/respondent in the instant application and as such, the applicant is not maintainable.

4 The applicant is convict and he is desirous of procuring the passport. As Judgment of conviction and resultant sentence is operating against the applicant, he can be granted passport only when the Court permits him to apply for the passport. At the same time, no direction, as prayed, granted to passport authority. As such, the order :

- (i) The applicant/appellant/accused is permitted to apply for the passport.

(A.M.BADAR J.)