

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.484 OF 2017
IN
CRIMINAL APPEAL NO.1271 OF 2006**

Ruturaj A. Kale)...Applicant

**V/s.
Jaykumar M. Kale and Ors.)...Respondents**

**WITH
CRIMINAL APPEAL NO.1272 OF 2006**

**Shaifq Gulam Hussain Inamdar
& Anr.)....Appellants**

**V/s.
The State of Maharashtra).....Respondent.**

Ms. Rekha Musle i/by Nitin Rajguru, Advocates for the Applicant.

Mr. Ameet Palkar, APP for the Respondent – State.

Mr. R.S.Kate, Advocate for R.No.2.

Smt. Manisha Jagtap, Advocate for R.No.16.

CORAM : A. M. BADAR, J.

DATE : 4th April, 2017.

P.C. :

This composite application for issuance of passport for ten years so also permission to travel abroad as and when

required during the period of 10 years. The application is moved by the applicant-accused convicted of the offences punishable under Sections 147, 148, 324, 325, 427 read with 149 of IPC.

2 Heard both sides. The learned advocate appearing for the applicant-accused argued that passport for 10 years may be directed to issue to the applicant-accused and he may be permitted to travel abroad considering the social work done by the applicant-accused.

3 The learned advocate appearing for Respondent No.16 -Passport Authority opposed the application by contending that convicted cannot be issued passport and as such, prayer for grant of passport for 10 years is not maintainable. She fairly conceded if Court directs then passport for one year can be issued to the applicant-accused as per the provisions of the Rules.

4 The learned APP opposed the application by contending that in all 5 offences were registered against the applicant-accused.

5 I have carefully considered the rival submissions. Composite application seeking relief of issuance of passport for

ten years and permission to travel abroad as and when required cannot be granted. The applicant who is an accused if wants to travel abroad has to make necessary application giving tour itinerary with reason to travel abroad.

6 In this view of the matter, prayer clause (a) cannot be granted. However, the application can be allowed partly by directing respondent no.16-Passport authority to issue passport to the applicant-accused for a period of one year as conceded by the learned advocate appearing for the Passport Authorities. The application is partly allowed. If the applicant-accused makes an application for passport then Passport Authorities may, if the application is found to be in consonance with the provisions of the relevant rules may issue passport for a period of one year to the applicant-accused.

7 The application is disposed of accordingly.

(A. M. BADAR, J.)