

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

**CRIMINAL APPLICATION NO. 1421 OF 2017
IN
CRIMINAL APPEAL NO. 543 OF 2007**

Purushottam Sitaram Burde ..Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Vijay Shingrapurkar for the Applicant.
Mr.V.V.Gangurde, APP for the Respondent-State.
Ms. Rebecca Gonsalves for the Respondent No.2.
Mrs. Amita Kuttikrishnan for the Respondent No.3.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 15, 2017.**

P.C.

1. By this application, the applicant has sought following reliefs:
 - (a) That the permission to renewal of the passport of applicant for 10 years may kindly be granted;
 - (b) That the Officers of respondent kindly be directed to return passport of applicant to him immediately for the purpose of renewal of passport.
 - (c) that the permission to travel Beijing from 27/11/2017 to 01/12/2017 as per itinerary may kindly be granted and on return the applicant may be permitted to retain the same.

2. The applican ..Applicant

3. t herein was an accused in Special Case No.75 of 1999, and he has been convicted by the learned Special Judge for the offence punishable under Section 7 of Prevention of Corruption Act, 1988 and was sentenced to suffer R.I. for one year and to pay fine of Rs.10,000/- in default to suffer further R.I. for six months. The also convicted for the offence punishable under Section 13(2) r/w. 13(1) (d) of Prevention of Corruption Act and was sentenced to suffer R.I for one year and to pay fine of Rs.10,000/- in default to suffer further R.I. for six months

4. The applicant has submitted that his passport has expired and he has sought permission for renewal of the passport. The applicant has also sought leave to travel abroad i.e. to Beijing from 27.11.2017 to 01.12.2017. In para 8 of the application, the applicant has stated that he is the General Secretary of “Parivaar”, a National Confederation of Parent's Organization for Persons with Intellectual and Development Disabilities (PWIDDs). He has been nominated as observer for the meeting to be held at Beijing from 27/11/2017 to 01/12/2017. He has give the detail itinerary and has given the his contact number and address at which he will be available in Beijing.

5. The appeal filed by the applicant challenging his conviction has been admitted and is pending since 2010. Pendency of the said appeal by itself would not be a ground for denial of permission to the applicant to travel abroad, particularly considering the purpose of his travel to Beijing. Besides, the applicant is an Indian National and has roots in the Country and his chances of not returning are remote.

6. Hence, the Order:

i) The application is allowed.

- (ii) The respondent no.2 – C.B.I. is directed to handover the passport to the applicant by tomorrow i.e. 16th November, 2017 for the purpose of renewal of passport.
- (iii) The applicant is granted permission to apply for renewal of the passport.
- (iv) The applicant is allowed to travel to Beijing from 27.11.2017 to 01.12.2017 subject to the applicant depositing an amount of Rs.1,00,000/- (Rupees One Lakh) with the Registry of this Court, on or before 24th November, 2017. The said amount shall stand forfeited, if the applicant fails to return within the specified time.
- (v) The applicant shall report to and deposit his passport with the respondent no.2 CBI within two days from his return to India.

(ANUJA PRABHUDESSAI, J.)