

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1400 OF 2016

IN

CRIMINAL APPEAL NO.204 OF 2004

SHRI SHIV NARAIN

)...APPLICANT

V/s.

CBI, ACB, MUMBAI AND ANR.

)...RESPONDENTS

Mr.Pawan Mali, Advocate for the Applicant.

Mr.H.S.Venegaonkar, Advocate for Respondent No.1 – CBI.

Ms.A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 23rd JANUARY 2017.

P.C. :

1 By this application, the applicant / accused has prayed for return of his passport for its renewal by granting no objection for renewal as well as permission to travel abroad to the United States of America.

2 The learned counsel for the applicant / accused at the outset submits that he is not pressing the prayer clause (c) in the application and the applicant / accused at present will be satisfied if his passport is handed over to him for renewal. It appears that as per the Notification dated 25th August 1993, during pendency of a criminal case, passport can be renewed for a period of one year. The learned counsel for CBI has opposed the application by contending that the applicant / accused is a convict and as such, passport cannot be handed over to him.

3 I have considered the rival submissions. At present, the application is only pressed for the purpose of renewing the passport. The applicant, therefore, can certainly get his passport renewed as per Rules. Therefore the order :

- i) The application is partly allowed.
- ii) By retaining coloured photocopy of the passport, the non-applicant no.1 CBI is directed to hand over the passport to the applicant / accused for its renewal by the appropriate authority, who

shall consider the prayer for renewal of the passport as per relevant Rules.

iii) On renewal of the passport, the applicant / accused to submit renewed passport to the non-applicant no.1 CBI within a period of one week therefrom.

iv) The applicant / accused shall have liberty to file a fresh application for permission to travel abroad.

4 With this, the application is disposed of.

(A. M. BADAR, J.)