

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (APPA) NO. 567 OF 2017

IN

CRIMINAL APPEAL NO.43 OF 2006

(PUNDLIK MOHAN KHARKAR & 2 OTH....VS.. STATE OF MAH.THR.P.S.O., WARORA, DIST.
CHANDRAPUR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ved R. Deshpande, Adv. h/f. Shri S.V.Sirpurkar, Advocate for
Applicants/Appellants.
Shri Neeraj Patil, A.P.P. for Respondent/ State.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 01, 2017.

The appellant / accused is convicted for the offence punishable under Sections 341, 323 and 326 of the Indian Penal Code and is sentenced as per the order. The accused has filed this appeal to challenge the judgment passed by the Sessions Court convicting him. This appeal is admitted and is pending for final hearing. This Court has suspended the sentence and has directed that the applicant be released on bail.

Now, the appellant has filed this application praying that the Passport Authority be directed to issue passport in the name of the applicant with validity of 10 years. The appellant has further prayed for permission to travel out of India.

The applicant has relied on the notification issued by the Ministry of External Affairs on 25th August, 1993 to substantiate his prayers made in this application.

Considering the proposition laid down in the judgment given in the case of *Deepak D. Chhabria Vs. Union of India*, reported in **1996(4) ALL MR 241**, judgment given in the case of *Narendra K. Ambwani Vs. Union of India & Ors.*, reported in **2014(4) BCR 281**, judgment given in the case of *Mr. Samip Nitin Ranjani Vs. Union of India and Ors.*, in **Writ Petition No. 12784 of 2016** and judgment given in the case of *Shayam Dwarkadas Chabria vs. The Regional Passport Officer & anr*, reported in **2000(2) Bom. C.R. 609**, the following order is passed:

- i. The appellant No.2 is permitted to apply for grant of passport in his name for one year.
- ii. The appellant No.2 is permitted to reiterate his request if the appeal is not decided till the validity of the passport, which may be granted, expires.
- iii. Prayer clause (2) made in this application is not considered at this stage.
- iv. The appellant No.2 is granted liberty to move fresh application seeking permission to travel out of India after he receives the passport and after his programme is finalized.

The Criminal Application is allowed in the above terms.

JUDGE