

Mohammed Hussain Shariffi & Ors. ...Petitioners
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. H. S. Venegaonkar a/w Mr. D. P. Singh for the Respondent No.2

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 23rd JANUARY, 2018

P.C. :

3 By this petition, the petitioner has prayed for following reliefs :

“A) The common order dated 22/12/12 below Exh. 48, 49 and 50 of the Ld. MM 69th Court in case No. 1057/PW/2014 be quashed;

B) That passport Authorities be directed to issue passport to Applicant No. 1 and 3 as per passport rules.

C) The Police Authorities be directed to return the passport of Applicant No. 2 which was surrendered as per the directions of the Hon'ble High Court.”

4 Learned counsel for the petitioners states that there was no justification for the learned Magistrate to reject the petitioners' applications i.e. Exhibits 48, 49 and 50 filed in CC No. 1057/PW/2014. He submitted that two of the petitioners i.e. petitioner Nos. 1 and 3 had filed an application seeking direction to the passport authorities to issue passports to them as per Passport Rules, which was rejected; and the petitioner No. 2 had sought a direction to the police authorities for returning his passport which was surrendered by him. He further submitted that the petitioners need their passport as they intend to attend a marriage function in Thailand.

5 Mr. Venegaonkar, learned counsel for the respondent No.2 has no objection if a direction is given to the passport authorities to issue passport, subject to the provisions of the Passport Act and the Rules therein.

6 Learned A.P.P states that he has no objection if the passport is returned to the petitioner No. 2 to travel to Thailand, however, the said

passport should be surrendered by the petitioner No. 2 on his return back from Thailand.

7 Perused the papers. It appears that the petitioners intend to travel to Thailand to attend a wedding. Considering the aforesaid, and the statement made by the learned counsel for the respondent No. 2, the passport authorities i.e. respondent No. 2 to issue passport to petitioner Nos. 1 and 3, subject to the provisions of the Passport Act and the Rules therein. Similarly, the police authorities i.e. J.J Marg Police Station to return the passport to the petitioner No.2 to enable him to apply for permission before the learned Magistrate for travelling abroad. The petitioner No. 2 shall surrender his passport on his return from Thailand.

8 The application is allowed to the extent aforesaid.

9 If an application is filed by the petitioner No. 2 for travelling abroad, the same shall be decided by the learned Magistrate as expeditiously as possible. The petitioner No. 2 is also at liberty to seek relaxation/modification of the condition of deposit of passport with the

Investigating Officer, imposed by this Court vide order dated 8th January, 2015, whilst enlarging him on bail.

10 Petition is allowed and is disposed of on the aforesaid terms.

11 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.