

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

CRIMINAL APPLICATION NO.62 OF 2018

IN

CRIMINAL APPLICATION NO.139 OF 2015

...

Dinesh Jayantilal Rathod

...Applicant

v/s.

The State of Maharashtra

...Respondent

...

Mr.Niranjan Mundargi for the Applicant.

Smt.Anamika Malhotra, APP for the State.

...

CORAM : A.A. SAYED &**V.L.ACHLIYA, JJ.****DATED : 29 JANUARY 2018****P.C.:**

This Criminal Application is filed seeking the following relief:

“(a) This Hon'ble Court be pleased to grant permission to the Applicant to travel to Bangkok from 10-02-2018 to 25-02-2018 and grant permission for the renewal of passport for a full term of 10 years validity on the terms and conditions as this Hon'ble Court may deem fit and proper.”

2. Learned Counsel for the Applicant has invited our attention to the order dated 11 January 2017, whereby this Court specifically granted permission to the Applicant to apply for grant of passport. In paragraph 1(iii) of the order dated 11 January 2017, the Court has stated as under:

“We clarify that, on application being made by the Applicant, if it is found that the Applicant is entitled to grant of passport, it will be open for the passport authority to issue passport to the Applicant which is valid for maximum permissible period.”

3. Learned Counsel for the Applicant has pointed out para 7 of the Application wherein the Applicant has averred as follows:

“7. That Applicant wishes to travel with his family to Bangkok from 10 February 2018 to 25 February 2018. That, however, it is mandatory for an Indian Citizen to renew the passport which may expire in less than six months before any uncoming International travel. That the Applicant's passport bearing “Passport No.R3613966” issued on 12-08-2017 is set to expire on 11-08-2018, which is less than six months before any international travel, thereby making the Applicant ineligible to travel abroad with the current passport.”

The Applicant has thus been issued the passport for a period of one year. However, according to the Applicant, he is unable to travel on 10 February 2018 to 25 February 2018 as the validity of the passport is only for one year and expires on 11 August 2018 and a minimum of six month validity of passport is required to apply for visa.

4. We have also perused the Notification dated 25 August 1993 of Government of India annexed at Exh.D of the Application. In para a(i) of the Notification states thus:

“(a) the passport to be issued to every such citizen shall be issued-
(i) for the period specified in the order of the Court referred to above, if the Court specifies a period for which the passport has to be issued.”

5. In view of the above and having regard to the facts and circumstances of the case, we grant permission to the Applicant to travel to Bangkok from 10-02-2018 to 25-02-2018. We direct the Passport Authority to issue the passport to the Applicant the validity whereof would be for a term of 5 years.

6. The Criminal Application to stand disposed of accordingly.

7. It is made clear that though the passport may be issued for a period of 5 years, the Applicant would have to seek permission every time when he desires to travel abroad.

8 All concerned to act on an authenticated copy of this Court.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)