

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.103 OF 2017

IN

CRIMINAL APPEAL NO.511 OF 2007

Mubarak Abdul Rehman Shabir @ Shabir ... **Applicant**
V/s.
Union of India & Anr. ... **Respondents**

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Ms.Aparna Shinde with Ms.Tejashree Panchal, Advocate for the Applicant.

Mr.Sandesh D. Patil with Mr.Kiran B. Bhagat, Advocate for the Respondent No.1/UOI.

Mrs.M.R.Tidke, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 10th DECEMBER 2018.

P.C. :

1 This is an application by the appellant/accused No.1 for returning the expired passport to him for taking steps to renew the same.

2 According the applicant/accused, his passport bearing No.N6598975 is expired on 31/12/2016 and the same is lying with the Registrar of this Court. The learned Counsel for the

applicant/accused submits that it be returned to the applicant/accused for getting it renewed and on renewal the applicant/accused will resubmit the same to the Registrar of this Court.

3 Shri.Patil, the learned Advocate appearing for the respondent/UOI opposed the application by submitting that the present applicant has helped the co-accused to get his passport renewed and thereafter the co-accused had fled the India. Therefore, the expired passport should not be handed over to the applicant/accused.

4 The learned Advocate appearing for the applicant/accused submits that even after the earlier Order of 18th September 2014 (Coram : Mrs.Mridula Bhatkar, J) in respect of the co-accused, this Court vide 19th December 2014 (Corma : M.L.Tahaliyani, J) has permitted the applicant/accused to renew the passport.

5 I have carefully considered the submissions so advanced. It is seen from the earlier Order dated 14th August 2014 passed by this Court (Coram Mrs.Mridula Bhatkar, J.) in respect of Beghani Talab Suleman @ Bashir @ T. Kara & Anr, it is reflected that this applicant had instructed Advocate Dilip Mishra to wrote a letter dated 4th July 2014 to the N.C.B. and had facilitated the co-accused to flee from India.

6 In this view of the matter, the interest of justice would be served by the following Order :

ORDER

- i) The applicant/accused to take necessary steps for renewing his expired passport and the Registrar of this Court is directed to send the passport of the applicant/accused directly to the concerned Passport Office with intimation to the said office to send back the passport after necessary action either of renewal or rejection of the request for renewal of the expired passport to this Court.

- ii) The application is disposed of accordingly.

(A.M.BADAR J.)