

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.167 OF 2018
IN
CRIMINAL APPEAL NO.1301 OF 2003

Bharat Shantilal Shah

Applicant

versus

The State of Maharashtra

Respondent

Ms.Chandana Salgaonkar for applicant.

Mr.J.P.Yagnik, APP, for State.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 14th March 2018

PC :

1. Heard both sides. This appeal was admitted on 11th November 2003. On 1st November 2007 the passport was issued to the applicant-accused and which expired on 31st October 2008. On 14th August 2008, the passport was extended up to 13th August 2009. On 21st July 2009, the validity of passport was further extended to 20th July 2010. Then a letter is relied upon by the Passport Authority which says that in case there are cases against the applicant, restricted passport facilities would be granted to such applicant, provided, the Court concerned permits the applicant to travel abroad. After this circular which is dated 26th April 2010, on four earlier occasions, present applicant had approached this Court seeking validation of the passport so as to enable him to travel abroad or for issuance a fresh passport in the event earlier passport has expired.

2. We have heard both sides and perused earlier orders passed by this Court. The only difference in the earlier situation and present situation is that in the earlier situations the passport was valid and subsisting, whereas in the present case, the applicant would have to seek fresh passport, as the earlier one is to expire on 9th August 2018. It is stated that the applicant would require a valid passport of six months in order to issue visa etc.. Though presently there is no travel plan, but in the event the applicant desires to travel even in the month of August or September-2018, his passport would have to be valid for six months prior to his travel.

3. In such circumstances and going by earlier orders, we grant the request as made in prayer clause 14(i) of the application. Ordered accordingly.

4. However, we direct that the Passport Authorities shall consider the applicant's request for issuance of fresh passport/revalidation of earlier one, strictly in terms of the applicable rules, regulations and policies. We, therefore, clarify that we have not directed that the passport which would be issued afresh, shall be treated as valid for ten years. Criminal Application No.167 of 2018 is disposed of.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST