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

CRIMINAL WRIT PETITION NO.1377 OF 2017

Neeraj Dharmaraj Dubey

... Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.Ghanshyam Upadhyay a/w Mr.Parth Pandey i/b Law Juris, for the
Petitioner.

Mr.Vinod Chate, A.P.P for the Respondent No.1-State.

Ms.Aruna Pai, for Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th FEBRUARY, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner has impugned the order dated 4th March, 2017, passed by the learned Metropolitan Magistrate, Court No.69, Mazgaon, Mumbai, by which the petitioner's application seeking permission for renewal of his passport was allowed only for a period of 1 year. The petitioner has also prayed that the Respondent No.2 be directed

to renew the petitioner's passport for a period of 10 years, as per the Notification dated 25th August, 1993.

3. Perused the papers. The petitioner is facing prosecution in connection with C.R.No.543 of 2005, registered with the Nagpada Police Station, Mumbai, for the alleged offences punishable under Sections 452, 384, 387, 506(II) r/w 34 of the Indian Penal Code and under Sections 3 and 25 of the Arms Act. The petitioner was arrested for the aforesaid offences and subsequently enlarged on bail on 11th October, 2005. After investigation, charge-sheet was filed as against the petitioner. Sometime in 2007, passport was issued to the petitioner and the petitioner travelled abroad. It is informed that the said passport was issued for a period of 10 years. As the validity of the passport was to expire on 24th July, 2017, the petitioner filed an application before the Trial Court and sought permission for renewal of his passport. The learned Judge was pleased to pass the following order:-

- “1 Application is allowed in terms of Section 6(2) of the Passport Act and G.S.R. Notification No.570(E) dated 25.08.1993.
2. This court has no objection for renewal of passport to Applicant – Niraj Dharamraj Dubey for the period of One year.

3. Applicant is directed to file copy of passport after its renewal by competent Authority.
4. Inform accordingly.”

4. It is not in dispute, that when the passport was earlier renewed in 2007 for a period of 10 years, the petitioner has not misused the liberty granted to him.

5. In view of the aforesaid, the petition is allowed and the impugned order dated 4th March, 2017, passed by the learned Metropolitan Magistrate, Court No.69, Mazgaon, Mumbai, is quashed and set aside. Accordingly, the Respondent No.2 to renew the petitioner's passport for a period of 5 years, as per the Passport Act and Rules thereunder.

6. Petition is allowed and disposed of in above terms.

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

REVATI MOHITE DERE, J.