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

WRIT PETITIOIN NO.1576 OF 2018

Shri Vyomesh Shah

..Petitioner

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. V.M. Thorat, a/w Pooja V. Thorat and Ankeet Seth for Petitioner.
Mr. A.R. Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 3rd September 2018.

P.C.:

1] By the present petition, the petitioner has impugned the Order dated 27th February 2018 passed by the learned Special Judge (ACB) below Exhibit 20 in ACB Special Case No.12 of 2017 arising out CR No.336 of 2015 registered with Dahisar Police Station.

2] The applicant is accused in ACB Special Case No.12 of 2017 for the offences punishable under Sections 406, 411, 420, 465, 467, 468, 471, 477A, 201, 120(B), 109, 34 of the Indian Penal Code and under sections 3 and 4 of Benami Transaction Act.

3] The petitioner had preferred an Application below Exhibit 20 to get 'No Objection' to obtain passport from the Passport Authority on the ground that,

the earlier passport obtained by the petitioner has been destroyed in a fire which took place at his residence. The said application was allowed by the learned Special Judge by the impugned Order and it has been directed that the passport shall be initially issued for a period of one year.

4] The learned counsel appearing for the applicant submitted that, the Passport Authority may be directed to issue the passport for a period of ten years, in view of a Circular issued by the concerned Department.

5] In view thereof, the impugned Order is modified to the extent that, the Passport Authority/Competent Authority to decide the application of the petitioner for renewal of his passport on its own merits and as per prevailing rules, regulations and notifications issued by the concerned Department. Rest of the directions issued by the learned Special Judge by the impugned Order are not disturbed.

6] The Passport Authority/Competent Authority shall not get influenced by the Orders passed by the Trial Court dated 27.2.2018 and this Court in the present petition while considering the application of the petitioner for renewal of his passport.

7] Application is allowed in the aforesaid terms.

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Chandrakant
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(A.S.GADKARI, J.)