

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

CRIMINAL WRIT PETITION NO.1650 OF 2018

Iqbal Mohammed Kazi : Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.

Mr. Imtiyaz Ahmed Ismailsha Patel for the Petitioner.
Mrs. P P Shinde, APP for the Respondent/State.
Mr. D P Singh for the Respondent No.3.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 1st AUGUST 2018

P.C.

1 The above Writ Petition has been filed seeking direction against the passport authorities to renew the passport of the Petitioner which bears the number A2759157 as the Petitioner is desirous to go on a Hajj pilgrimage.

2 The Petitioner was one of the accused in CC No.218/PW/2005 which was committed to the Court of Sessions and bore Sessions Case No.175 of 2006. By the judgment and order dated 28/02/2008 of the learned 11th Adhoc Addl. Sessions Judge, C.R. No.1, Sewree, Mumbai Shri B D Khatvakar the Petitioner was convicted for the offence punishable under Section 307 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.5000/- in default of payment of fine amount to suffer rigorous imprisonment for one year and ten months. The Petitioner was however held entitled for benefit of set off under Section 428 of the Code of

Criminal Procedure.

3 The Petitioner challenged the said conviction by way of Criminal Appeal No.233 of 2008 in this Court. The said Criminal Appeal has been admitted and is pending hearing and final disposal.

4 The Petitioner pending the said Appeal has been released on bail by a Division Bench of this Court by order dated 08/04/2008 which order is annexed to the above Writ Petition at Exhibit B. The condition imposed at the time of grant of bail is that the Petitioner was to furnish a surety in the sum of Rs.20,000/- which condition is appearing in the operative part of the bail order. Hence the Petitioner is at present on bail pending the Appeal filed by him.

5 The learned counsel appearing on behalf of the Petitioner Shri Imtiyaz Patel states that save and except the said conviction, the Petitioner has no other antecedents. The said fact has also been recorded in the order granting bail to the Petitioner.

6 As indicated above, the Petitioner has filed the instant Writ Petition for renewal of his passport. Since the renewal is sought pending the

Appeal filed by the Petitioner against his conviction, the said renewal would be governed by the Government Notification dated 25/08/1993. By the said Government Notification the discretion has been vested in the concerned Court as regards the period for which the passport is to be renewed

7 The learned counsel appearing for the passport authority i.e. the Respondent No.3 herein Shri D P Singh, having regard to the mandate of the said Notification, states that he would leave it to this Court as regards the period for which the passport of the Petitioner is to be renewed.

8 Having regard to the facts as afore-stated we dispose of the above Writ Petition by issuing the following directions :-

- i] Having regard to the mandate of the Government Notification dated 25/08/1993 we direct the passport authorities to renew the passport of the Petitioner for a period of one year.
- ii] That the Petitioner would be entitled to travel abroad only for Hajj pilgrimage and no other place.
- iii] The Petitioner to submit his itinerary in respect of the Hajj pilgrimage to the concerned police station two weeks prior to

undertaking the said travel.

- iv] The Petitioner would after his return immediately report to the concerned police station and would thereafter abide by the conditions imposed upon him at the time of grant of bail.
- v] With the directions as afore-stated, the above Writ Petition is disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

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by Laxmikant
Gopal Chandan
Date: 2018.08.03
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