

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.676 OF 2018

IN

CRIMINAL APPEAL NO.502 OF 2011

Baliram Pandurang Shinde ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr.Prajit S. Manjrekar a/w Mr.Kapil Pannalal Dave for the applicant.

Mr. H. S. Venegaonkar for CBI/ACB.

Ms.Anamika Malhotra, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 30th JULY 2018.

P.C. :

1. This is an application for permitting the applicant to apply for passport as well as direction to the Regional Passport Office to issue regular passport with the validity period of 10 years.

2. Heard the learned Advocate appearing for the applicant/accused. He submitted that the passport authority has issued letter dated 23rd March, 2018 directing him to seek permission from the concerned Court to process his application for issuance of passport. The learned

Advocate further submits that the passport Authority be directed to issue passport to the applicant with validity period of 10 years. Shri Venegaonkar, learned Advocate appearing for the CBI opposed the application.

3. The applicant alongwith co-accused is convicted of offences punishable under Sections 120B r/w.420, 465, 471 of the Indian Penal Code and he is sentenced to suffer RI for 5 years apart from imposition of fine and default sentence. Similarly, he is convicted of offences punishable under Sections 13(2) r/w 13(1) of the PC Act and he is sentenced to suffer RI for 5 years apart from imposition of fine and default sentence.

4. The relief of directing the Regional Passport officer to issue passport for a period of 10 years cannot be granted to the applicant as he is found to have convicted by the learned Trial Court and his appeal is pending before this Court.

5. However, the applicant is permitted to apply for passport and it is for the Regional Passport Authority to issue passport considering the fact that the appeal filed by the applicant challenging his conviction and resultant sentence is pending before this Court. With this observation,

the application is disposed of.

6. In case the passport authority chooses to grant passport to the applicant, the applicant should not leave India without prior permission of this Court.

Vina
Arvind
Khadpe

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(A.M.BADAR J.)