

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1228 OF 2018

IN

CRIMINAL APPEAL NO.603 OF 2007

Rubina Siraj Sayyed

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Ayaz Khan, Advocate for the Applicant.

Mr. S.V. Gavand, APP for Respondent No.1/State.

Mr. D.P. Singh, Advocate for Respondent No.2

APL Mr. Shinde, DCB CID Unit-1.

CORAM : A.M.BADAR, J.

DATED : 31st OCTOBER 2018.

P.C. :

1. This is an application for return of the expired passport to the Regional Passport Officer to issue fresh passport as per rules.
2. Heard the learned counsel appearing for the applicant/accused. He argued that the applicant/accused is already released on bail and the learned trial Court had not ordered for impounding her passport. The same is with the record

of the case and the applicant/accused needs the same for the purpose of its renewal.

3. The learned APP is not disputing the fact that the passport was not impounded and that it has no relevance to the offence alleged to be proved against the applicant/accused. The learned counsel appearing for the Passport Authority submits that if order by this Court, the respondent No.2 will take necessary steps.

4. The applicant/accused is convicted of offence punishable under Section 120(B) read with Sections 3(1)(ii), 2(a) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 and maximum punishment imposed on him is that of five years rigorous imprisonment. The applicant/accused is already released on bail. It is seen that as during the investigation, the passport was seized, it was filed with the charge-sheet and is the part of the record.

5. In this view of the matter, the following order;

- : ORDER : -

(i) The passport of the applicant/accused be returned to her for the purpose of its renewal.

- (ii) Respondent No.2 Regional Passport Authority is directed to renew the passport as per rules and procedure.
- (iii) The application is disposed of accordingly.

(A.M.BADAR J.)