

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

WRIT PETITION NO.3485 OF 2017

Sanjay Rajan Kuril ...Petitioner
Versus
The State of Maharashtra and Anr. ...Respondents

Mr.Shreeram Shirsat, for the Petitioner.

Mr.H.J.Dedhia, A.P.P for the Respondent No.1-State.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 25th JANUARY, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner has impugned the order dated 27th July, 2017, passed by the learned Designated Court under Protection of Children from Sexual Offences Act, 2012, (POCSO) for Greater Bombay, in POCSO Case No.95 of 2016, by which the petitioner's application (Exhibit – 5) for re-issuance of passport came to be rejected, and prays that

the Respondent No.2 – Regional Passport Office, be directed to reissue passport to the petitioner.

3. Perused the papers. The petitioner is facing prosecution for the alleged offences punishable under Sections 354, 323 of the Indian Penal Code and under Section 12 of Protection of Children from Sexual Offences Act (C.R.No.397 of 2015) registered with the Dharavi Police Station, Mumbai. The petitioner was enlarged on bail by the learned Special Judge, City Civil and Sessions Court, Greater Mumbai, vide order dated 4th September, 2015 on certain conditions, including condition no.2(iv) 'that the applicant shall not leave jurisdiction of Mumbai without prior permission of the Court'. Admittedly, no condition asking the petitioner to deposit passport was passed whilst enlarging the petitioner on bail. It appears that as the petitioner's passport had expired, the petitioner filed an application and sought a direction to the passport authorities to re-issue passport for 10 years. The said application was rejected by the learned Special Judge.

4. Learned Counsel for the Respondent No.2 states that the passport can be re-issued to the petitioner, as per the Notification of the

Ministry of External Affairs and for the period mentioned therein or for a period as the Court may so specify.

5. Accordingly, the petition is allowed. The Respondent No.2 shall consider re-issuing passport to the petitioner, as per the Passport Act and Rules thereunder, if all the documents of the petitioner are found in place, for a period of two years.

6. Petition is disposed of in above terms.

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

REVATI MOHITE DERE, J.