

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 106 OF 2019****LESTER PEREIRA.,****... Petitioner****Versus****STATE THR. PUBLIC PROSECUTOR.,****... Respondent**

Adv. Arun De Sa for the Petitioner.

Mr. Mahesh Amonkar, Addl. Public Prosecutor for Respondent.

Coram:- C. V. BHADANG, J.**Date:- 3rd May 2019.****P.C.:**

Heard learned counsel for the parties.

2. The petitioner, who is facing prosecution for the offences punishable under sections 324, 427, 447, 504, 506 (ii) r/w 34 of I.P.C. before the learned Magistrate, had applied for grant of permission/No Objection Certificate (NOC) for the purpose of issuance of fresh passport to the petitioner for a period of ten years.

3. The learned Magistrate by the impugned order dated 16/3/2019 had granted permission in the following terms:

- i) Upon securing the said passport, a notarized copy of the new passport is to be furnished to this Court in Criminal

Case no.8/S/2019/C, within a period of 30 days from its issuance.

(ii) In the event the applicant/accused plans to travel out of India, he is required to file a written application (with his detailed travel program, addresses abroad and other applicable details) before this Court and secure orders prior to his departure.

4. The limited grievance of the petitioner is that the order does not mention the period for which the passport is to be renewed/re-issued.

5. Shri De Sa, the learned counsel for the petitioner has referred to a notification dated 25/8/1993 of the Ministry of External Affairs which stipulates that in case of persons/s against whom criminal cases/s is/are pending, the passport can be renewed/re-issued for the period specified in the order by the Court and if no such period is specified then, for a period of one year. It is submitted that in the absence of such period being specified in the impugned order, the passport authorities are refusing to renew/re-issue the passport for a period of ten years.

6. On hearing the learned counsel for the parties and on perusal of record, I find that in para 5 of the impugned order, the learned Magistrate has recorded that the learned Additional Public Prosecutor had per se no

objection for renewal of the passport as prayed subject to the petitioner being put to conditions, which will ensure that the petitioner would be available to face trial and should not leave the country without permission of the Court. The impugned order does not show that the magistrate was of the opinion that the passport has to be renewed for a period of less than ten years.

7. Mr. Amonkar, the learned Additional Public Prosecutor for the Respondent no.1 submits that in such circumstances, this Court may pass appropriate order as may be deemed just and necessary.

8. In this regard a useful reliance can be placed on the decision of this Court in the case of **NARENDRA K. AMBWANI VS. UNION OF INDIA** (Writ Petition no.361/2014 decided on 13/3/2014), in which this Court had inter alia directed that in all cases where the Magistrate's court directs renewal of the passports under the Rules, passport shall be renewed for a period of ten years or twenty years as the case may be from the date of its issue and all qualifying applicants are entitled to have passport renewed for at least ten years.

9. In such circumstances, the petition is allowed. The petitioner is granted permission/NOC for renewal/re-issue of the passport for a period of ten

years. This shall, however, be subject to the condition no.(ii) as imposed by the learned magistrate in the impugned order.

C. V. BHADANG, J.

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