

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

CRIMINAL APPLICATION NO. 324 OF 2019

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|----|------------------------------------|--------------------|
| 1. | Ravi Rangnathan Iyer |] |
| | Age-69 years. |] |
| | |] |
| 2. | Radhika Ravi Iyer |] |
| | Age- 63 years. |] |
| | Both residing at Row House, 8, |] |
| | Accolade Co.Op. Housing Soc. Ltd., |] |
| | Behind LIC Building, Louis Wadi, |] |
| | Green Road, Thane (West) 400 604. |]..... Applicants. |

Versus

The State of Maharashtra	]
[At the instance of the Inspector	]
In-charge, Wagle Estate, E.O.W.	]
Thane, (West)].	].....Respondent.

APPEARANCES-

Mr. Viresh V. Purwant a/w. Mr. Jay Patil for Applicants.
Mrs. M.R. Tidke, APP for Respondent-State.

CORAM : S. S. SHINDE, J
DATE : 1st OCTOBER 2019.

JUDGMENT :

1 This application is filed challenging the order passed below Exhibit- 107 and 113 dated 03.12.2018 passed by 9th Judicial Magistrate First Class, Thane, in R.C.C. No. 337 of 2011.

2 Learned counsel appearing for the Applicants submits that, learned Magistrate ought to have left to the discretion of the passport authority to

renew the passport as per rules. It is submitted that, if the relevant rules are considered, there is provision for issuance of passport for ten years, and therefore, learned Magistrate could not have restricted renewal of passport for two years. It is submitted that, there was no reason or occasion for curtailing the period of renewal of passport from ten years to two years. The period required for renewal of passport causes difficulties and unwarranted delay. Therefore, learned counsel appearing for Applicants relying upon the averments in the application and annexures thereto submits that, application may be allowed.

3 Heard learned counsel appearing for Applicants. Perused averments in the application and annexures thereto. Admittedly, the Applicants are charge-sheeted for the offences punishable under Sections 420, 406, 467 and 468 read with 34 of Indian Penal Code. The said case is pending before the Court of competent jurisdiction. Learned counsel invites attention of this Court to the notification issued by Ministry of External Affairs published on 25.08.1993, which reads thus:-

(a) the passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year.

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period, validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the Court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) XXXXXX

4 In the light of aforesaid notification issued by Ministry of External Affairs published on 25.08.1993, the learned Magistrate can restrict the period of renewal of passport. There is no reason to interfere in the impugned order passed by 9th Judicial Magistrate First Class, Thane. Hence, application is devoid of any merits and same stands rejected.

[S. S. SHINDE , J]