

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4166 OF 2019**

Shailesh Munish Gupta	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Amarendra Mishra for the Petitioner

Mr. A. R. Patil, A.P.P for the Respondent No.1-State

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

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 22nd NOVEMBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 16th July 2019 passed by the learned Magistrate, 26th Court, Borivali, Mumbai, below Exhibit 137 filed in CC No. 964/2003 and prays that the said order dated 16th July 2019 be modified and that respondent No. 2 be directed to renew the petitioner's passport bearing No. S5824077 for a period of two or more years.

3 Perused the papers. The petitioner is a Computer Engineer employed with a Multinational Company i.e. 'M/s. Capgemini' and is working in the said Company as an Associate Director since July 2013. It appears that the petitioner is required to travel abroad at regular intervals in connection with the official assignments. The petitioner is the brother-in-law of the complainant-Laxmi Gupta. The said complainant-Laxmi Gupta has lodged a complaint as against the petitioner, in-laws and husband, alleging offences punishable under Section 498A, 465, 468, 471, 474, 504, 355, 507 r/w 34 of the Indian Penal Code. It appears that the case is pending in the Court of the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai. During the pendency of the case, the petitioner filed an application (Exhibit 137) in the Court of the learned Metropolitan Magistrate and sought renewal of his passport. The advocate for the petitioner submitted before the learned Magistrate that he was ready to conduct the case in the absence of the petitioner and the petitioner would not challenge his identification and that he would remain present as and when required before the said Court. It appears that the learned Special A.P.P was absent. The learned Magistrate after perusing the papers allowed the said application. The learned Judge in Clause (ii) of the order dated 16th July 2019 gave no objection for renewal of the petitioner's passport for one year.

4 The petitioner is aggrieved by the said clause (ii) inasmuch as, the renewal is granted only for one year. He submits that having regard to the petitioner's job and nature of work, the petitioner is required to travel frequently and as such the petitioner's passport be renewed for two more years.

5 Having regard to the facts, it would be appropriate to direct the Passport Authority to consider the petitioner's prayer for renewal of passport as per the Passport Act and the Rules, for a period of five years. Since rest of the conditions in the order dated 16th July 2019 have not been challenged, the same be complied with by the petitioner.

6 Petition is allowed and is disposed of in the aforesaid terms.

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

REVATI MOHITE DERE, J.