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

CRIMINAL WRIT PETITION NO.5807 OF 2019

Mohammed Shafi Noor Mohammed Halai ... Petitioner
Versus
The State of Maharashtra and Anr. ...Respondents

Ms. Misbaah Solkar, for the Petitioner.

Ms. P.P.Shinde, A.P.P for the Respondent No.1 - State.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 5th DECEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner has impugned the order dated 29th August, 2019, passed by the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, below Application, bearing Notice No.1223 of 2019. By this Petition, the petitioner also seeks a direction to the Respondent No.2 – Regional Passport Officer, Mumbai, to reissue passport of the petitioner.
3. Learned Counsel for the Petitioner submits that the learned Magistrate has ordered that the application for re-issuance of the passport

was not maintainable, as the passport was valid till 1st March, 2022. Learned counsel submits that although the passport is valid till March, 2022, the pages of the passport are all stamped and as such the petitioner needs to apply for an additional booklet for which a fresh passport has to be issued.

4. Learned Counsel for the Respondent No.2 does not dispute the fact that the pages in the petitioner's passport are exhausted, inasmuch as, there are stamps on every page of the passport and that a fresh passport will have to be issued to the petitioner.

5. Accordingly, the petition is allowed. The impugned order dated 29th August, 2019, passed by the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, below Application bearing Notice No.1223 of 2019, is quashed and set aside. The Respondent No.2 shall consider re-issuing passport to the petitioner, as per the Passport Act and Rules thereunder.

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

REVATI MOHITE DERE, J.