

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 WRIT PETITION NO.5947 OF 2021

**VIJAYA KISHOR RAHATKAR
VERSUS
THE UNION OF INDIA AND ANOTHER**

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Advocate for Petitioner: Mr. Deshpande Amit S.
Standing Counsel for Respondents: Mr. S. S. Deve

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 08th APRIL, 2021

PER COURT:

1. Heard Mr. Deshpande, learned Counsel for the petitioner and Mr. Deve, learned Counsel for the respondents.

2. Mr. Deshpande, the learned Counsel submits that the petitioner had given application for renewal of the passport for at least 3 years. The permission was required from the Chief Judicial Magistrate, Aurangabad as a criminal case bearing Criminal M.A. No. 1142 of 2016 U/Sec. 353, 332, 341, 114, 143, 147, 149, 427, 323 and 506 of IPC and Section 135 of Bombay Police Act is pending. The learned Chief Judicial Magistrate in it's

order granted No Objection for renewal of passport of the petitioner on condition that the said No Objection Certificate is restricted for the present case bearing Criminal M.A. No. 1142 of 2016. The learned Chief Judicial Magistrate has not restricted the time.

3. It appears that the respondents pursuant to the said order renewed it for 1 year i.e. up to 24.03.2022. Mr. Deshpande, learned Counsel submits that the same ought to have been renewed for 10 years.

4. Mr. Deve, learned Counsel submits that as the criminal case is pending against the petitioner, the passport is renewed for 1 year as per the order of the Chief Judicial Magistrate, Aurangabad.

5. The aforesaid factual matrix is not disputed. The Chief Judicial Magistrate has passed the order giving No Objection for renewal of the passport.

6. The petitioner had filed an application for renewal of the passport for at least 3 years. Orders are passed by this Court in various writ petitions wherein even the passports are renewed for 10 years.

7. In light of that, we pass the following order.

8. In case there is no other impediment, then the respondent / authority shall renew the passport of the petitioner for 3 years. The petitioner shall seek permission from the Magistrate / Court where the criminal case is pending against the petitioner to travel abroad. The Court may impose such conditions upon the petitioner as it deems fit.

9. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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