

999 WRIT PETITION NO.1200 OF 2021

VERSUS

THE UNION OF INDIA AND ANOTHER ..RESPONDENTS

...
Mr. Amol S. Gandhi h/f Mr. Punit S. Mehta, Advocate
for the Petitioner.
Mr. A. G. Talhar, ASG for Respondent Nos.1 and 2.

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

DATED : 04th MARCH, 2021.

PER COURT:-

1. Mr. Gandhi, learned Advocate for the petitioner submits that the petitioner has to travel abroad on account of his professional assignments. The petitioner is a businessman and Director of company namely GNS Industries Limited situated at the Republic of Uganda. The criminal case bearing No.3/2017 came to be registered against the petitioner under Section 4 and 5 of the Gambling Act and the same has been filed in the Court bearing S.C.C. No.2142/2018. According to the learned counsel, the respondents are not renewing the passport beyond one year. The passport is renewed from 03.11.2020 to 02.11.2021. According to the learned counsel, respondent no.2

has refused to issue passport on the pretext that the petitioner may obtain orders from the Court.

2. Mr. Talhar, learned ASG for the respondents submits that in view of the Notification dated 25.08.1993, it is only as per the orders of this Court the passport can be renewed. The criminal case is pending against the petitioner. The petitioner has to seek directions for renewal of passport for ten years from the Court where the criminal case is pending. The Court where the criminal case is pending, initially directed to renew the passport for one year. On the second instance same is renewed for further one year.

3. It appears that the petitioner had applied for renewal of the passport for ten years. The application was allowed under order dated 01.10.2020 by the Judicial Magistrate First Class, (Court No.8) Aurangabad and the present petitioner is permitted to renew his passport.

4. At the time of the order, the Judicial Magistrate First Class has observed that the petitioner is seeking renewal of passport for full term validity of ten years. It is for the passport authority to decide on which terms his passport shall be renewed. Accordingly the order was passed which reads thus:-

ORDER

"1 The application is hereby allowed.

2 This Court consents the passport

authorities to issue passport to the accused Santosh Mohandas Nagdev, notwithstanding the pendency of Criminal Case bearing No.S.C.C.2142/2018 in the court, if he otherwise satisfies requirement for issuance of passport."

5. The Judicial Magistrate First Class had left it to the passport authority to permit the petitioner to get his passport renewed.

6. This Court had occasion to consider the similar aspect in various writ petitions. Reference can be had to Writ Petition No. 12784 of 2016 decided on November 30, 2016 at the Principal Seat wherein though the criminal case was pending, permission was granted to renew the passport for a period of ten years with a rider that the petitioner therein will have to apply before the Magistrate seeking permission to travel abroad and the Magistrate may impose conditions as it deems fit.

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

8. The In case there is no other impediment, then respondent / authority shall renew the passport of the petitioner for ten (10) 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 stands disposed of
accordingly. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

Devendra/March-2021

(S. V. GANGAPURWALA)
JUDGE