

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

**INTERIM APPLICATION NO. 1161 OF 2021
IN
CRIMINAL APPEAL NO. 376 OF 2016**

Suresh M. Kamath ... Applicant

Versus

The Central Bureau of Investigation & Anr. ... Respondents

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Ms. Sayli Wani i/by Mr. Yogesh Bamane, Advocate for the Applicant.

Mr. H. S. Venegaonkar, for Respondent No.1 – C. B. I.

Mr. Y. Y. Dabake, APP for the Respondent No.2 – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th SEPTEMBER, 2021.

PER COURT:

1. The applicant has preferred Criminal Appeal No.376 of 2016 before this Court challenging the Judgment and order dated 20th May, 2016 passed in Special Case No.18 of 2000 convicting him for the offences under Sections 468, 471 & 420 of Indian Penal Code and Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act. He has been sentenced to rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/- on each count. The sentences are directed to run concurrently.

2. This application has been preferred seeking permission to grant renewal of passport of applicant for a period of ten years, in view of Notification No. G.S.R. 570/E dated 25th August, 1993 issued by Ministry of External Affairs, Government of India.

3. Learned Advocate for the applicant submitted that the appeal preferred by the applicant challenging the conviction is pending before this Court. The sentence awarded by the trial Court is of one year imprisonment. The applicant has undergone 3/4th sentence of imprisonment. The appeal is admitted. Sentence of imprisonment has been suspended by this Court. The applicant is on bail. The applicant is businessmen. He was permitted to travel abroad for work on several occasions. He is constantly required to travel abroad and hence, the passport authority be directed to renew the passport for a period of 10 years. Reliance is placed on the order passed by this Court in Criminal Application No.1 of 2019 in Criminal Appeal No. 306 of 2019 vide order dated 4th March, 2020.

4. Mr. H. S. Venegaonkar, learned counsel for the respondent No.1 - C.B.I. submitted that the appeal is pending in this Court challenging conviction for the offence under the IPC as well as P. C. Act. The relief for a period of 10 years for renewing the

passport of the applicant may not be granted. The appeal preferred by the applicant may come up for hearing at any point of time. At the most renewal for a period of 5 years be directed to concerned authority.

5. Considering the submissions of both the sides, I pass the following order.

ORDER

- (i) The passport authority shall permit the renewal of the passport of the applicant bearing No. S9340670 for a period of Five years in accordance with Rules.
- (ii) The applicant shall provide the coloured photocopy of renewed passport to the Respondent - C.B.I.
- (iii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)