

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 890 OF 2021**

Mr. Nilay Ajit Gholkar

.....Applicant

V/s.

Senior Inspector, Manpada
Police Station and anr.

.....Respondents

* * * *

Smt. Manjula Rao i/by. Mr. Kunal Rane a/w. Ms. Sweta
Tandel, *Advocate for the applicant.*Ms. M.R. Tidke, *APP for State.**Coram : Sandeep K. Shinde, J.**Thursday, 21st October, 2021.***P.C. :**

1. Applicant is facing trial in SCC No. 479/2018, for the commission of offences under the Indian Penal Code. Applicant holds a valid passport which would expire on 3rd February, 2026. It was issued at his Thane address. Applicant shifted his residence to Pune. Thus, he applied to passport authorities seeking change in particulars i.e. his new

address. That since, case is pending, he had applied for appropriate order/permission, under Section 6(2)(f) of the Passport Act, 1967 to go abroad. The application was granted, however, the Learned Judge directed to issue passport for six months. Aggrieved by this part of the order, the applicant has approached this Court, in its inherent jurisdiction.

2. Heard learned Counsel for the applicant and Prosecutor for the State.

3. Perused the application, passport and impugned order. Admittedly, the learned Court had no jurisdiction under Passport Act, 1967 or otherwise to curtail the validity period of applicant's passport, which is valid upto 3rd February, 2026. Therefore, this part of the order is to be held bad-in-law for want of jurisdiction. Thus, Condition No.(2) directing the authorities to extend the passport only for six months, needs to be quashed and accordingly, it is quashed

and set aside. The application is allowed in the aforesaid terms and disposed off.

4. Parties to act on authenticated copy of this order.

NEETA
SHAILESH
SAWANT

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NEETA SHAILESH
SAWANT
Date: 2021.10.21
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(Sandeep K. Shinde, J.)