

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO.2858 OF 2021
IN
CRIMINAL APPEAL NO.665 OF 2005

Abdul Matin Abdul Basit @
Abdul Mateen Abdul Basit : Applicant/Org. Accused No.1
Versus
The State of Maharashtra : Respondent.

Ms. Tahera Qureshi i/by Mr. M H Solkar for the Applicant – Org. Accused No.1
Mr. V B Konde-Deshmukh, APP for the Respondent/State.

CORAM : S. S. SHINDE,
SURENDRA P TAVADE, JJ

DATE : 04th DECEMBER 2021

P.C.

1 By this Application, the Applicant, who is original accused No.1, inter-alia seeks directions to the Regional Passport Authority to issue fresh passport to the Applicant for a period of 10 years, and further to allow the Applicant to travel abroad to Saudi Arabia to perform Hajj for 45 days in the month intervening between June 2022 to July 2022.

2 The Applicant was tried in Special Case No.1 of 2003 for the offences punishable under the Prevention of Terrorism Act, 2002, and he came to be acquitted vide order dated 11th June 2005 passed by the learned Special under Prevention of Terrorist Act. The Appeal No.665 of 2005 filed by the

State against acquittal of the Applicant is pending for consideration before this Court.

3 It appears that earlier the present Applicant has filed Interim Application No.2 of 2019 before this Court seeking direction to the Regional Passport Authority to issue fresh passport to the Applicant for a period of ten years and further to allow the applicant to travel abroad to Saudi Arabia to perform Hajj for 42 days in the month of intervening between July 2020 to September 2020. The Division Bench of this Court (Coram S. S. Shinde, N B Suryawanshi, JJ) vide order dated 29th November 2019 has allowed the said Application No.2 of 2019 filed by the Applicant. It would be apt to reproduce paragraph No.4 of the said order herein under :-

- “4 In the peculiar facts and circumstances of the case, and in view of the statements made in the application we are inclined to allow the application on following terms :
- A) The Regional Passport Authority is directed to issue fresh passport to the Applicant with two years validity, as per prevailing rules.
 - B) Applicant is permitted to travel abroad to Saudi Arabia to perform religious prayers of Hajj for 42 days, between July 2020 to September 2020.
 - C) The Applicant to submit itinerary to the office of Registrar Judicial, High Court, Bombay.
 - D) Applicant on return from the Hajj shall submit Photocopy of the passport to the Registrar Judicial, High Court, Bombay.”

4 By filing the present Application, the Applicant once again approached this Court with the same prayers like the prayers made in the earlier Interim Application No.2 of 2019 except prayer clause (b) inasmuch as direction is sought to allow the Applicant to travel abroad to Saudi Arabia to perform Hajj for 45 days in the month intervening between June 2022 to July 2022.

5 It is informed by the learned APP appearing for the State that there is huge record running into more than 5000 pages and there are 75 witnesses which would take time to hear the Appeal and conclude the hearing.

6 In the aforesaid backdrop and in view of the statements made in the application we are inclined to allow the application on following terms :

- A) On submitting earlier passport with fresh application to issue fresh passport by the Applicant to the Regional Passport Authority, the Regional Passport Authority is directed to adjudicate the said Application and decide the same as early as possible within a period of four weeks from submitting the application subject to compliance of routine procedure for issuance of passport and to issue fresh passport to the Applicant till the end of the year 2023

as per prevailing rules.

- B) Applicant is permitted to travel abroad to Saudi Arabia to perform religious prayers of Hajj for 45 days in the month intervening between May 2022 to September 2022 subject to permission by the Hajj Committee constituted to grant permission to travel Saudi Arabia.
- C) The Applicant to submit itinerary to the office of Registrar Judicial, High Court, Bombay.
- D) Applicant on return from the Hajj shall submit Photocopy of the passport to the Registrar Judicial, High Court, Bombay.

7 With the above directions, the Criminal Interim Application No.2858 of 2021 is partly allowed and the same stands disposed of accordingly.

8 Part to act upon an authenticated copy of this order.

[SURENDRA P. TAVADE, J]

[S. S. SHINDE , J]