

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.711 OF 2021

Anil s/o Rajeshwarrao Ambatkar
 Aged 77 years, Occ: Retired,
 R/o A/9/33, Pragati Housing Society,
 Sahakar Nagar, Near Sonegaon Lake,
 District Nagpur. **PETITIONER**

...V E R S U S...

1. State of Maharashtra through
 Police Station Officer,
 Police Station Sonegaon,
 District Nagpur.
2. Regional Passport Officer,
 Nagpur (Ministry of External Affairs),
 Office at CGO Complex, B-Block,
 First Floor, Seminary Hills, Nagpur,
 Tah. & Dist. Nagpur. **RESPONDENTS**

 Mr. A. S. Ambatkar, Advocate for Petitioner.
 Mr. M. K. Pathan, APP for Respondent 1/State.
 Mrs. Mughda Chandurkar, Central Government Standing Counsel
 for Respondent 2.

CORAM: **ROHIT B. DEO, J.**
DATE: **11th OCTOBER, 2021.**

ORAL JUDGMENT:

The petitioner has a limited grievance to canvass.

2. The petitioner is a retired Officer of the Indian Air
 Force.

3. The petitioner is facing prosecution under Sections 279, 337 and 338 of the Indian Penal Code vide SCC 25564/2018 which is pending before the learned 8th Judicial Magistrate First Class, Nagpur.

4. The petitioner holds an Indian Passport which was to expire on 24.03.2021. He applied for the renewal of the passport. The petitioner received communication dated 18.03.2021 to provide suitable explanation with reference to the adverse police verification report.

5. The petitioner responded to the show cause notice issued by the Regional Passport Office vide reply dated 26.04.2021. It appears that the petitioner then applied to the jurisdictional Magistrate for no objection for renewal of passport and vide order dated 21.06.2021 the learned Magistrate was pleased to allow the application, the operative part of which order reads thus:

1. *The application (Exh. 16) is allowed.*
2. *No objection is hereby granted for renewal of passport for in favour of the accused Anil Rajeshwarrao Ambatkar with respect to crime No.189/2018, of P. S. Sonegaon, Nagpur, Summary Criminal Case No.25564/2018.*

3. *The Passport Authority shall issue or renew necessary passport in view of the above permission on necessary compliance being made by the applicant as per the provisions of the Passport Act and rules framed thereunder.*

6. The grievance of the petitioner is, that since no period is mentioned in the order impugned, in view of the notification dated 25.08.1993, the passport will be renewed only for one year. The petitioner, who is a decorated Air Force Officer and is aged 76 years, points out that the application specifically sought no objection for renewal of the passport for ten years. The learned counsel for the petitioner submits, that the grievance shall stand satisfied if the jurisdictional Magistrate applies judicial mind to the said prayer and grant no objection for renewal of the passport for a reasonable time. The learned counsel for the petitioner would emphasize that the only anxiety is that the petitioner must not be required to undergo the rigmarole of the procedural formalities, time and again.

7. The learned Central Government Standing Counsel Mrs. Mugdha Chandurkar would support the order of the jurisdictional Magistrate pointing out that the matter lies in the exclusive domain and discretion of the learned Magistrate.

8. The learned Magistrate is the best Judge of the period for which the no objection ought to be issued, as regards the renewal of the passport. However, since there was specific prayer, and the said aspect appears to have been not addressed by the learned Magistrate, I consider it appropriate to quash the order and to remit the issue to the learned Magistrate for passing fresh order after hearing the parties. The learned Magistrate is requested to pass fresh order within seven days from the production of this order by either party.

9. The order impugned is quashed.

10. The matter is remitted to the learned Magistrate to decide the issue fresh after hearing the parties.

JUDGE