

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO.1785 OF 2022
IN APPEAL/313/2018 WITH APPEAL/313/2018

AKSHAY S/O. NANASAHEB TAUR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr Hemant S. Surve
APP for Respondent No.1 /State : Mr S.P. Deshmukh
Advocate for Respondent No.2 : Mr M.V. Navandar

CORAM : SHRIKANT D. KULKARNI , J.

DATE : 4th AUGUST, 2022

PER COURT :

1. The applicant is seeking no objection certificate for issuance of passport in his favour as he may likely to go to abroad in the near future in view of his employment.
2. Heard Mr Hemant Surve, learned counsel for the applicant, Mr S.P. Deshmukh, learned APP for the State and Mr M.V. Navandar, learned counsel for respondent No.2/first informant.
3. It is revealed during the course of argument that applicant was tried before the learned Additional Sessions Judge, Aurangabad in Special (POCSO) Case No. 121/2016 and he came to be convicted for the offences punishable under sections 354, 323 and 506 (Part II) of the IPC. The maximum sentence awarded against the applicant is one year. That impugned Judgment and order of conviction passed by the Special Court/ Additional Sessions Court, Aurangabad is challenged before this Court by way of appeal and this Court was pleased to admit the appeal.

4. The applicant is a Software Engineer. According to the Policy of his company which is subsidiary of IBM that the employee should possess passport. As such, the applicant is constrained to move this application seeking no objection certificate in view of proceedings of the criminal appeal pending before this Court.

5. Mr Navandar, learned counsel for respondent No. 2 submitted that though the matter was amicably settled, resulted in conviction in view of the provisions of the Protection of Children from Sexual Offences Act, 2012.

6. Mr S.P. Deshmukh, learned APP for the State objected to grant no objection certificate and in the alternate, pressed for certain conditions.

7. On going through the copy of office memorandum issued by the Government of India, External Affairs Ministry, PSP Division dated 10th October, 2019, it is necessary to have no objection certificate from the Court before obtaining the passport if criminal proceedings is pending against the applicant.

8. On perusing the compilation which is produced today by Mr Surve, it is revealed that that Mr Akshay Nanasaheb Taur/applicant has received appointment order from IBM India Private Limited and according to the Policy of the company, he needs to possess the passport. As such, he is badly in need of no objection certificate from the Court since appeal is pending against him. There are no extraordinary circumstances to

refuse the prayer for issuing no objection certificate. The condition can be imposed that passport should be issued to the applicant for a period of one year duration which would take care of apprehension of the prosecution agency.

ORDER

- (i) The Criminal Application is hereby allowed.
- (ii) The Registry is directed to issue no objection certificate as per rules in favour of the applicant.
- (iii) He shall furnish his in-detail address with E-Mail and Cell Number with the Registry.
- (iv) The duration of the passport shall be for a period of one year.
- (v) The Criminal Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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