

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.871 OF 2022**

Vishal Chandrakant Mhatre	Petitioner
Versus	
Union of India and ors.	Respondents

Mr. Aabad Ponda, Senior Advocate along with Karan L. Jain, Advocate for the Petitioner.

Mr. S. K. Halwasia along with Mr. M. M. Nasiri, Advocate for the Respondents.

Mr. A. R. Kapadnis, APP for the State.

**CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.**

DATE : 22nd SEPTEMBER, 2022.

P.C. :

1. The petitioner is before this Court with principal prayer clause (a), which reads as follows :

(a) This Hon'ble Court may be pleased to kindly direct the Regional Passport Office authorities to renew the life of the Passport of the Petitioner as per the Rules of the Passport Rules, 1980 for a period of ten years from the date of its issue;

2. The petition was listed before this Court on 12th April, 2022. On the said date, this Court issued notice to the respondents so as to seek

response from them. Reply on behalf of respondent No.2 is filed in this Court through Mahendra Meena, an officer attached to Regional Passport Office, Mumbai. It may not be necessary for us to refer to other facts in detail. Suffice to say that the petitioner, who was the holder of the passport, submitted an application for renewal of passport on 13th November, 2020. Against the said passport application, the respondents received police report/remark on 18th January, 2021 from Navghar Police Station. The report indicated that CR No. I 31/2010 FIR was registered against the petitioner for offences punishable under Sections 447, 448, 506 and 427 of the Indian Penal Code, 1860, and another CR No. I 58/2010 was registered against the petitioner for offences punishable under the Section 302, 120(B) read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 25 of the Arms Act. By the judgment and order dated 23rd October, 2019, the trial Court convicted the petitioner and sentenced to suffer life imprisonment. Being aggrieved by the said judgment and order, an appeal is preferred by the petitioner. During pendency of the appeal, this Court granted bail to the petitioner vide order dated 18th December, 2019. It is stated in the affidavit-in-reply that as per the computer generated system, the letter dated 20th January, 2021 was issued by the Regional Passport Office, Mumbai, to the petitioner seeking his explanation, however, the petitioner failed to reply to the said letter.

3. Mr. Ponda, learned senior counsel appearing on behalf of the petitioner submitted that the said letter was never received by the petitioner. We are not inclined to go into that controversy in the backdrop of the fact that the petitioner thereafter submitted second application on 14th October, 2021. It is submitted by learned counsel for the petitioner that the status of this second application is shown as “closed”. Mr. Ponda, on instructions, submits that as there is no application of mind by the authorities and the status of application is only shown as “closed”, the petitioner be permitted to submit fresh application to respondent No.2 within one week from today and directions be issued to respondent No.2 to decide the said application expeditiously.

4. In our view, the request made is reasonable. As such, we deem it appropriate to grant liberty to the petitioner to submit fresh application to the competent authority within one week from today. Needless to state that the competent authority, on receipt of such application, shall decide the same on its own merits as expeditiously as possible and communicate its decision to the petitioner. With these observations, the petition is disposed of.

(N. R. BORKAR, J.)

(PRASANNA B. VARALE, J.)