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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 755 OF 2022

Parag Shreedhar Dudhade	...Petitioner
Versus	
The State of Maharashtra and Anr.	...Respondents

Ms. Swapna Kode for the Petitioner.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Shahajirao Shinde for the Respondent No.2/Passport Authority.

CORAM : REVATI MOHITE DERE, J.
DATE : 5th APRIL, 2022

P.C. :

1. Heard learned Counsel for the petitioner.
2. By this petition, the petitioner has impugned clause (ii) of the order dated 31st January, 2022 passed by the learned Additional Sessions Judge, Thane, below Exhibit – 37, whilst allowing the petitioner's application seeking renewal of his passport.
3. Perused the papers. The petitioner is facing prosecution for the

alleged offences punishable under Section 376, 354A of the Indian Penal Code and the provisions of the POCSO Act. The petitioner was enlarged on bail on 20th March, 2019, within two months of his arrest. After investigation, chargesheet was filed and the case is pending before the learned Special Judge, Thane. The petitioner preferred an application (Exhibit-37) before the trial Court seeking renewal of his passport which was allowed by the trial Court vide order dated 15th December, 2020. It appears that the passport was renewed only for one year and therefore, the petitioner again filed an application and sought renewal of his passport as the passport was expiring on 28th January, 2022. The reasons set out in the application is that the petitioner is required to travel abroad for his official work. The said application was allowed by the learned Additional Sessions Judge vide order dated 31st January, 2022. The operative part of the said order reads thus;

- “(1) Application is allowed.*
- (2) Applicant Shri. Parag Shreedhar Dudhade is granted permission to apply for renewal of passport as per Passport Act Rules.*
- (3) Applicant/accused is directed to produce the copy of passport in the Court after its renewal.*
- (4) Applicant/accused shall not leave India without prior permission of this Court.”*

4. Learned Counsel for the petitioner submits that in the absence of any time period mentioned in the order, the passport would be renewed

only for one year having regard to the notification of the Ministry of Affairs dated 21st April, 2019, unless the Court specifies the period for which the passport be issued. Thus, as per clause (ii) of the order dated 31st January, 2022, in the absence of any period being specified, the passport would be renewed only for one year.

5. There is no impediment in allowing the request of the petitioner seeking renewal of his passport for five years, in accordance with the Passport Act/Rules. The trial Court has already imposed a condition that the applicant shall not leave India without the prior permission of the trial Court.

6. Considering the aforesaid, the passport authorities to renew the petitioner's passport for a period of five years from the date of its issue, in accordance with the Passport Act/Rules thereunder.

7. Needless to state, that the petitioner shall comply with the direction mentioned in clauses (2) and (4) of the order dated 31st January, 2022 i.e. to produce a copy of the passport in the Court, after its renewal and that he shall not leave India without the prior permission of the trial Court.

8. Petition is allowed on the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.