

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***INTERIM APPLICATION NO. 1422 OF 2022
IN
CRIMINAL APPEAL NO. 441 OF 2009***

Manohar Yashwant Kadam ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

***WITH
CRIMINAL APPEAL NO. 441 OF 2009***

Manohar Yashwant Kadam ...applicant
Versus
The State of Maharashtra ...Respondent

Mr. Priyal G. Sarda for the Applicant

Mrs. Veera Shinde, A.P.P for the Respondent No.1–State

Mr. D. P. Singh for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.
THURSDAY, 9th JUNE 2022**

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks permission to apply for issuance of passport in his name, as the applicant intends to travel abroad i.e. Dubai. The applicant also seeks permission to travel to Dubai.

3 Perused the papers. The applicant was convicted for the offence punishable under section 304-I of the Indian Penal Code and was sentenced to suffer imprisonment for life. Being aggrieved by the said judgment and order of conviction and sentence passed by the trial Court, the applicant filed the aforesaid appeal in this Court. This Court vide order dated 22nd May 2009 was pleased to suspend the sentence of the applicant and was pleased to enlarge the applicant on bail on certain terms and conditions. It appears from the record that subsequently, pending the aforesaid appeal, the applicant was permitted to apply for passport vide order dated 23rd December 2014, as the applicant intended to travel to Dubai.

4 Learned counsel for the applicant submits that there are no restrictions imposed by this Court whilst suspending applicant's sentence and enlarging him on bail. He further submits that the passport authorities be directed to issue a passport for a period of 5 years to the applicant. He further assures this Court that whenever the applicant intends to travel abroad, the applicant will file an appropriate affidavit-cum-undertaking before the Registrar (Judicial-I), giving the details of his itinerary, the place

where he will be residing, the contact numbers and his date of return. He states that the said affidavit will be filed before the concerned authority every time the applicant travels abroad. Statement accepted.

5 Considering the aforesaid, we allow the application and direct the Passport Authority to issue a passport to the applicant for a period of 5 years, in accordance with the Passport Act and the Rules thereunder.

6 The applicant to file an affidavit before the Registrar (Judicial-I) every time he leaves the country, giving his itinerary details as well as contact details, where he proposes to reside, contact numbers and his date of return.

7 Application is accordingly disposed of on the aforesaid terms.

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

V. G. BISHT, J.

REVATI MOHITE DERE, J.