

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

**INTERIM APPLICATION NO.3180 OF 2022
IN
CRIMINAL APPEAL NO.988 OF 2017**

Sunita Suryakant Waydande Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Aniket Vagal, Advocate i/b. Sharad S. Mulik, for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent No.1-State.

Mr. Shahjirao Shinde, Advocate a/w. D.P. Singh, for Respondent No.2-Passport Authority.

CORAM : SARANG V. KOTWAL, J.

DATE : 3rd OCTOBER, 2022

P.C. :

1. This is an application seeking no objection or permission for renewal of the applicant's passport and for directions to the Passports Authority for renewal of the passport for a period of ten years.

2. Heard Shri Aniket Vagal, learned counsel for the applicant, Shri P.H. Gaikwad, learned APP for the respondent No.1-State and Shri Shahjirao Shinde, learned counsel for for the

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respondent No.2-Passport Authority.

3. Learned counsel for the applicant submitted and it is mentioned in the application that the applicant was the original accused in ACB Special Case No.44/2014. The applicant was facing charges of commission of the offence punishable under the Prevention of Corruption Act, 1988. The trial Court acquitted the applicant vide its judgment and order dated 16.6.2016. The State preferred an appeal against acquittal. The appeal was admitted and it is pending final disposal. The applicant was not possessing a passport. Subsequently, she made an application for obtaining passport. The applicant, for that purpose, preferred Interim Application No.649/2020 in Criminal Appeal No.988/2017. This Court allowed that application. At that time, learned APP as well as learned counsel for the respondent No.2-the Passport Authority had not raised any objection for issuance of NOC. The NOC was issued in terms of G.S.R.-570(E) dated 25.8.1993. The said G.R. was subsequently clarified by Office Memorandum dated 10.10.2019.

4. The applicant was working with the Sales Tax Department of the State and retired in July, 2022. She has three

children. The son is taking education in Ireland. He is pursuing his course of Master of Science in Data Analytics. The Convocation Ceremony is to take place on 24.11.2022. The applicant wants to attend that ceremony along with her husband and, therefore, she wishes to travel to Ireland from 10.11.2022 to 5.12.2022. She has given the address in Ireland where she would be residing during this period.

5. The applicant's elder daughter is working in Kuwait as a Drilling Engineer in Kuwait Oil Company. She wants to visit Kuwait to meet her daughter. But, the visa applications are likely to be processed between February, 2023 to March, 2023 for visiting Kuwait. She has also given address in Kuwait where she wishes to stay.

6. The applicant's younger daughter is working in an I.T. Company in North Carolina. The applicant also wants to visit Carolina but dates for visa process for USA are not clear.

7. Learned APP as well as learned counsel for the respondent No.2 have no objection for renewal of her passport for a period of five years.

8. I have considered these submissions. The applicant's

necessity to meet her children, who are abroad, appears to be genuine. The respondents have no objection. The applicant was already given NOC by order dated 27.7.2021 passed in Interim Application No.649/2020. Considering all this, I see no reason not to pass similar order granting the applicant permission for renewal of passport for a period of five years. The applicant is acquitted by the trial Court. Her appeal is pending before this Court. Hence, the following order :

:: O R D E R ::

- i. The applicant is given permission for renewal of her passport for a period of five years from today.
- ii. The applicant is permitted to travel to Ireland from 10.11.2022 to 5.12.2022. On her return, she shall report to the Investigating Officer showing her return from Ireland.
- iii. With these observations, the application is disposed of.

(SARANG V. KOTWAL, J.)