

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**29 CRIMINAL APPLICATION NO.1267 OF 2023
IN APEAL/55/2022**

**SYED FAROOQ ALI SYED NUSHRAT ALI
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Sayyed Tauseef Yaseen, Advocate h/f Mr. D. R. Deshmukh,
Advocate for the applicant
Mr. P. N. Kutti, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 02nd MAY, 2023

P. C.

1. Heard the learned advocate for the applicant.
2. By order dated 24-04-2023 this court had recorded on the basis of statement made for respondent No.2 that Passport authority had not refused to issue Passport and the applicant was only requested to report to the Passport office. The applicant has clearly stated in his application that passport authority will not issue passport unless there is no objection issued by the court where the proceedings are pending. The

applicant was still directed to approach the passport authority. The passport authority by letter dated 25-04-2023 has refused to issue passport as the applicant has not produced on record no objection certificate for all pending cases from the concerned court for issue of passport /permission to travel abroad.

3. This appeal is against the judgment and order passed by the learned Sessions Judge, Beed in Sessions Case No. 25/2020 holding the appellant guilty for the offences punishable under Section 332, 504 & 506 read with Section 34 of the IPC and imposing the sentence of two years rigorous imprisonment and to pay fine amount of Rs.1000/- in default to suffer rigorous imprisonment for two months for the offence punishable under Section 332. He is further directed to suffer one year rigorous imprisonment and to pay fine of Rs.500/- in default to suffer rigorous imprisonment for one month for the offence punishable under Section 504. He is further directed to suffer one year rigorous imprisonment and to pay fine of Rs.500/- in default to suffer rigorous imprisonment for one month for the offence

punishable under Section 506. All the sentences are directed to run concurrently. The appeal is pending since 2022 and sentence is already suspended by order dated 26-02-2022.

4. Learned advocate for the applicant relies upon the judgment of the Delhi High Court in *Criminal Appeal No. 690/2018 in the case of SH. Ashwini Verma Vs State* wherein the Delhi High Court by relying upon the judgment reported in *AIR 1967 SC 1836 in the case of Satwant Singh Sawhney Vs D. Ramarathnam, Assistant Passport Officer, New Delhi and others* and on the judgment reported in (1978) (1) SCC 248 in the case of *Maneka Gandhi Vs Union of Indian* has held that right to travel abroad is a part of personal liberty under Article 21 of the Constitution of India and the court further directed the passport authority to renew passport of the applicant without raising objection relating to the pendency of the criminal appeal in that court.

5. In view of the same, this court also finds that this

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application deserves to be allowed and same is allowed in terms of prayer clause-B.

[KISHORE C. SANT, J.]

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