

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

CRIMINAL WRIT PETITION NO.498 OF 2023

Narayan Jagdish Jamnani

..Petitioner

Vs.

The State of Maharashtra

..Respondents

Mr.A.R.Syed, Advocate h/f. Mr.S.P.Brahme, Advocate for petitioner
Mr.N.T.Bhagat, APP for respondent

CORAM : R.G. AVACHAT, J.

DATE : MAY 02, 2023

ORDER :-

Leave to correct the petition memo, so as to correct the year of the Sessions Case. Corrections be carried out forthwith.

2. The challenge in this Writ Petition under Article 227 of the Constitution of India, is to the order dated 17.03.2023 passed by learned Addl. Sessions Judge, Jalgaon, rejecting the petitioner's application for grant of "no objection" for renewal of his Passport for a period of ten years.

3. The petitioner is one of the accused in Sessions Case No.226 of 2022, pertaining to Crime being C.R. No.116 of 2018, registered with Jilla Peth Police Station, Dist. Jalgaon, for the offences

punishable under Sections 376(2)(n), 376-D, 417 read with Section 34 of Indian Penal Code. The record indicates that the petitioner was granted anticipatory bail. The petitioner had even been permitted by the trial Court to go abroad twice, pending prosecution. The record indicates the petitioner's Passport would expire on 25.08.2023. The petitioner is a businessman. He is in the business of ready-made garments. He is required to visit foreign countries in relation to his business activities. The petitioner has roots at Jalgaon. He has property as well there.

4. The Government of India has issued notification dated 25.08.1993, in exercise of clause (a) of Section 22 of Passport Act, 1967. The notification pertains to grant of Passport to persons against whom the proceedings in respect of offence alleged to have been committed by him/them, is pending before criminal Court in India and who produce order from the Court concerned, permitting to depart from India. The terms of said notification indicate that it is for the Court concerned, which is seized of the matter, to grant nod for issue of Passport or renewal thereof for a particular duration. If no such duration is specified by the Court in its order, Passport cannot be renewed for a period more than one year.

5. It has been averred in the petition that the petitioner is required to visit foreign countries for a period longer than six months. If Passport is granted for a period of one year, it may not be possible for him to arrange for his visit to abroad in a shorter time. According to him, by the time he get permission to visit abroad, the duration of Passport of one year may turn out to be inadequate for the petitioner's scheduled visit. He, therefore, prayed for grant of no objection for renewal of Passport for a period of ten years.

6. Learned Addl. Sessions Judge has observed that if no objection for renewal of Passport is granted, the petitioner may misuse the same. The prosecution may remain pending for ten years. In fact, the reasons given in paragraph 5 of the impugned order do not appeal to reason.

7. Admittedly, the petitioner had not asked for permission to go abroad for a particular duration. His prayer is only to seek no objection for renewal of the Passport by ten years. The petitioner whenever would be required to visit abroad, pending prosecution, has to approach the Court concerned, to seek its permission. The petitioner being a businessman, non-renewal of his Passport would

necessarily affect the petitioner adversely in his business. This Court finds no reason for not granting the petitioner nod/no objection for renewal of the Passport by ten years, provided he satisfies all other requirements in the Passport Act and the Rules thereunder.

8. In view of the same, the petition is allowed. The petitioner is granted "no objection" to have his Passport renewed for a period of ten years, provided he complies with all other requirements in the Passport Act and the Rules thereunder.

[R.G. AVACHAT, J.]

KBP