

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3342 OF 2023
IN
CRIMINAL APPEAL NO.310 of 2020
WITH
CRIMINAL APPEAL NO.311 OF 2020

Asaram Mohanrao Chandanshiv	]	..	Applicant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Kartik Garag for the Applicant.

Mr.Sandesh Patil a/w Chintan Shah for Respondent No.2-UOI.

Mr.Y.M. Nakhwa, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 6th November, 2023.

P.C.

1] The present Interim Application is taken out by the Applicant, who stand convicted by the impugned Judgment and order dated 26.02.2020 passed by the Special Judge under the Prevention of Corruption Act, 1988, in Special (ACB) Case No.12 of 2015, for the offence under Section 7 and 13(1)(d) r/w 13(2) of the PC Act.

The Appeal filed by the Applicant is admitted on 13.03.2020 and sentence imposed upon him is suspended and he was directed to be enlarged on bail with certain conditions imposed upon him.

2] The Application is taken out seeking renewal of the Passport under the provisions of Section 6(2)(f) of the Passport Act and order dated 26.01.2023 passed by the Passport Authority is appended to the Application.

Since the Appeal is pending, the Passport Authority has directed the Appellant to produce the NOC/an appropriate order from the court.

3] The learned counsel for the applicant has relied upon the decision of the Division Bench in the case of *Abbas Hatimbhai Kagalwala vs. State of Maharashtra and Anr. in Writ Petition No.384 of 2019*, wherein, it is recorded that in case the Petitioner is already issued a passport, and he merely seek a renewal/ re-issuance, then the application deserve to be considered.

In the wake of the above decision, and since there is no legal impediment in renewal of the Passport, the Application is allowed

The Passport Authority-Respondent No.2 shall renew the Passport unless there is any other legal impediment and the pendency of the Appeal shall not be construed as hindrance in its renewal.

[BHARATI DANGRE, J]