

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.628 OF 2023
IN
APPEAL NO.993 OF 2018

Kapil Dilip Indapurkar	]	..	Applicant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Atharva Bhingardive i/b Vaibhav Gaikwad for the Applicant.
Mr.N.B. Patil, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 31st March, 2023.

P.C.

1] The present application is filed by the Applicant during the pendency of his Appeal before this Court for permitting him to apply for a Passport.

He is challenging the Judgment and order dated 27.06.2018, passed by the Additional Sessions Judge, Pune, in Sessions Case No.667 of 2014 by which the Applicant came to be convicted for the offence punishable under Section 279, 338 of the Indian Penal Code and under Section 185 of the Motor Vehicle Act and he is sentenced to suffer Simple Imprisonment for 1 year and to pay fine of Rs.1000/- in default to suffer Simple Imprisonment for 2 months for the offence under Section 338 of the IPC.

2] The Appeal is admitted on 20.08.2018 and the sentences were suspended and he was released on bail.

3] By the present Application, the Applicant seek direction to Respondent No.2-Union of India, to consider his application for issuance of a Passport, since the Appeal against him is pending before this Court.

It appears that the State has no objection for grant of Passport, as they have not contested the Application.

4] In any case, since the sentence imposed upon the Applicant is Simple Imprisonment for one year and the same being suspended, I see no reason as to why the application for issuance of passport shall not be considered.

In the wake of above, Application is allowed in terms of prayer clause (a) which reads thus :

(a) That this Hon'ble Court be pleased to grant the permission to the Applicant to issue a fresh passport for the next 10 years of the Applicant and be pleased to grant No Objection for issuance of passport.

Interim Application is disposed off in the abovesaid terms.

[BHARATI DANGRE, J]