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

**INTERIM APPLICATION NO.1163 OF 2023
IN
CRIMINAL APPEAL NO.892 OF 2013**

Pramod Anant Mandpe

...Applicant

vs.

Vijaykumar Digambar Shinde & Ors.

...Respondents

Mr. Shreyash Sudhir Butala for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

Ms. Shagufta Patel i/b Mr. Harshad Bhadbhade for Respondent No.2.

CORAM : S. M. MODAK, J.

DATED : 27TH APRIL 2023

P.C. :

1. Heard learned Advocate for the Applicant, learned APP for the Respondent-State and learned Advocate for Respondent No.2.
2. The Applicant alongwith present Respondent No.2-Vivek Chikale were acquitted by learned Special Judge, Khed for the offence punishable under sections 3(1)(x) of Scheduled Caste and

Scheduled Tribes (Prevention of Atrocities) Act read with section 7(1)(d) of the Protection of Civil Rights Act. The Appeal is preferred by the victim. The Appeal is admitted.

3. Pending hearing of that Appeal, present Applicant, who is Original Respondent No.2-Pramod Mandape in the Appeal, wants to travel United States of America for meeting his son, however, his passport has expired and that's why initially he filed Interim Application No.4263 of 2022. At that time learned Advocate Mr.Halwasia for the Passport Authority submitted that let him file an Application for renewal of the passport and after completing procedure, he has assured that his Application will be decided. Accordingly that Interim Application is disposed of on 24th February 2023.

4. After this order, the Applicant has applied to passport Authority and the Application is on page 36. It is mentioned that the Court order is required. Accordingly, present Interim Application is filed.

There are two reliefs sought. They are :

- (a) Renewal of passport, and
- (b) Permission to travel abroad.

5. Respondent No.2-Vivek Chikale, who is original accused is not having any objection as submitted by his learned Advocate. Whereas present Respondent No.1-Vijay Kumar, who is original complainant is served of this Application and his learned Advocate has waived notice on 12th April 2023.

6. Learned Advocate for the Applicant has emailed about today's circulation to learned Advocate for Respondent No.1 and passport Authority-Respondent No.4. Copy of that email and Whatsapp communication is annexed to the praecipe.

7. Today, no one has appeared. They were informed that the matter will be listed today.

8. The Applicant through his learned Advocate placed reliance on the order passed by this Court in case of *Ashok Roopchand Jain Vs. The State of Maharashtra and Ors.* in *Criminal Application No.1 of 2019 in Criminal Appeal No.306 of 2019*, wherein even after conviction, the permission is granted for 10 years.

9. In this case there is Appeal against acquittal. Even though it is admitted yet it is be finally heard. The Applicant is aged about 73 years old and his son is permanently residing in United States of America. So for limited purpose he wants to go abroad. Unless, the

passport is issued he is unable to travel abroad.

10. Learned Advocate for the Applicant submitted that let passport Authority be given directions to issue passport either for 10 years or 20 years. It is submitted that as per Rules if the Applicant is above 15 years, he is granted passport for 10 years or 20 years, as case may. Admittedly, the Applicant is aged about 73 years old. The Passport Authority can certainly consider Rules and age of the Applicant and his background. They may also consider that he has been acquitted by the trial Court. This observation will certainly weigh the mind of Passport Authority for issuing passport for longer duration. Hence, the following order is passed :

O R D E R

- (a) Application is allowed in terms of prayer clauses (b) and (c).
- (b) Respondent No.4-Passport Authority to issue passport to the Applicant as per Rules, considering the observations made hereinabove.
- (c) The Applicant is granted permission to travel United States of America from 31st May 2023 till 30th October 2023.
- (d) The Applicant is directed to give necessary details of email,

Whatsapp nubmer and place of residence by way of an undertaking to this Court prior to leaving India, by filing it in the office.

- (e) The Passport Authority to decide pending Application as early as possible within a period of 15 days from supplying a copy of this order to them.

11. Application is disposed of accordingly.

[S. M. MODAK, J.]