

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1554 OF 2023
IN
CRIMINAL APPEAL NO. 1136 of 2007

Anant Atmaram Mahajan .. Applicant
Versus
The State of Maharashtra & Ors .. Respondents

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Mr. Pritam R. Runwal for the appellant in Appeal.

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

Mr.Ashish Chavan with Zishan Quazi and Manuj Borkar for
respondent nos.2 and 3.

CORAM: BHARATI DANGRE, J.

DATED : 3rd MAY, 2023

P.C:-

IA No.1555/2023

1 The present application is taken out by the applicant, who has filed an Appeal against the judgment passed in ACB Special Case No.42/2000 on 27/28 August 2007, under which he stand convicted u/s.7 and Section 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988. Upon conviction, he is sentenced to suffer SI for two years on being convicted {u/s.13(1)(d)} and on being convicted u/s.7 of the Act, Simple Imprisonment of one year has been imposed along with penalty.

The sentences have been directed to run concurrently.

2 The Appeal filed in the year 2007, came to be admitted on 2/11/2007 and the applicant has been released on bail. Apart from this, he was also granted protection by permitting to be retained in service.

3 By the present application, the applicant/appellant seek a direction to issue passport to him, so that he can apply for visa to travel abroad for a period of nine months. The application proceed to state that the applicant's daughter on her marriage, is residing in Australia and she is on her family way, and therefore, the presence of the applicant along with his wife, is very much necessary to take care of her. Accordingly, on 7/12/2022, he applied to respondent no.3 on complying all the necessary formalities and on submission of necessary documents for availing the passport. However, he was informed that issuance of the passport has been kept on hold in order to get the appropriate order in terms of Section 6(2)(f) of the Passports Act, 1967.

Reliance is also placed upon the notification dated 25/8/1993, issued by the Ministry of External Affairs, which has carved out an exception to Section 6(2)(f) in the cases where any criminal prosecution is pending against the applicant, who is desirous of obtaining a passport.

4 Learned counsel appearing for respondent nos.2 and 3 has no specific objection about grant of passport in favour of the applicant.

5 Considering that the Appeal filed by the applicant/appellant is admitted by this Court, in the year 2007 itself, and it has not been yet heard finally, and considering the fact that the sentence imposed upon the appellant, on being convicted under the impugned judgment is already suspended and he has been released on bail, there appear to be no legal impediment, in permitting him to travel abroad along with his wife, in the wake of the exigency expressed in the Application.

 This will be however, subject to all the necessary compliances, which are contemplated by the Passport Authority and which would contemplate submitting his itinerary, date of his travel and date of his return and the contact number and the address of the place where he is likely to reside in Australia.

6 Subject to the aforesaid compliance, the application deserve to be allowed in terms of prayer clause (a). The Passport Authority shall issue the passport for such duration, which is permissible under the Passport Act and Rules.

 Needless to state that once passport is issued, subject to the other compliances, the applicant shall be permitted to travel abroad.

(SMT. BHARATI DANGRE, J.)