

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

CRIMINAL APPLICATION NO. 437 OF 2023

Amit Lakhan Nihal

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Vikram Sutaria a/w. Harshita Shroff i/b. Agastya Desai for Applicant.

Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 13 JUNE 2023

PC :

1. Heard Shri. Vikram Sutaria, learned counsel for the Applicant and Smt. Tidke, learned APP for the Respondent/State.

2. The Applicant has challenged the order dated 15/04/2023 passed by learned Additional Sessions Judge, Dindoshi in Sessions Case No.105 of 2023 whereby the Applicant was permitted to apply for Passport/renewal only for one year.

3. Learned counsel for the Applicant invited my attention to his original application for renewal of the passport. In that application, his specific prayer was for permission to apply for the

Passport for a period of ten years. On that application, learned Trial Judge passed an order dated 06/03/2023 as follows:

- “1. Application Exh.3 is allowed.
2. Applicant/accused Amit Lakhan Nihal is permitted to apply for renewal of passport to the Passport Authority.
3. Application Exh.3 is disposed off accordingly.”

As can be seen that, no period was mentioned in the operative part, though, the Applicant had specifically prayed for a period of 10 years for renewal of his passport.

4. The Applicant thereafter again approached the same learned Trial Judge for clarification of the said order and filed another application in the same sessions Case. Again this time, he had referred to his original prayer of renewal of passport for 10 years. On that application, learned Trial Judge passed the following order on 15/04/2023:

- “1. Application Exh.3 is allowed.
2. Applicant/accused Amit Lakhan Nihal is permitted to apply for passport/renewal for 1 year

to the Passport Authority.

3. Application Exh.3 is disposed off accordingly.”

5. As can be seen, in neither of these orders passed by learned Trial Judge, the reasons are given as to why permission was not granted for renewal of the passport for 10 years. In the first instance, no period was mentioned. On the second occasion, one year period was granted. As rightly submitted by the Applicant’s advocate, no reasons are given for limiting the renewal for a period of one year.

6. I have considered these submissions. It is of course the discretion of the Court to prescribe the period for renewal of the passport and for granting permission for a particular period. But when a specific prayer for a particular period is made, then if that period is not granted or a lesser period is granted; some reasons are expected. Therefore, I am inclined to remand the said application for fresh consideration.

7. It is made clear that, it would be entirely the discretion

of the learned Trial Judge to decide the period for which renewal permission can be granted. However, learned Trial Judge shall give sufficient reasons for fixing that particular period.

8. Hence, the following order:

O R D E R

- i) The order dated 15/04/2023 limiting the renewal period of the passport to one year is set aside.
- ii) Learned Additional Sessions Judge, Dindoshi shall consider the Exhibit-3 in Sessions Case No.105 of 2023 afresh and decide by giving reasons, for how much period the passport can be renewed.
- iii) With these directions, the Application is disposed of.

(SARANG V. KOTWAL, J.)