



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

**INTERIM APPLICATION NO. 2383 OF 2023
IN
CRIMINAL APPEAL NO. 81 OF 2016**

Captain Sikandar Moulali Mhaisale ..Applicant
VS.
The C.B.I., A.C.B. Mumbai and Ors. ..Respondents

Adv. Niranjana Mundargi a/w Adv. Keral Mehta for the
Applicant.
Adv. Shreeram Shirsat a/w Adv. Shekhar V. Mane for
Respondent No.1.
Adv. Rahul Tiwari for Respondent No.3.
Mr. Y.M. Nakhwa, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 19, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.3, learned counsel for respondent No.1 and learned APP for the State.
- 2.** This is an application for seeking relief by directing respondent No.3 - Passport Authority to enable the applicant to apply for renewal of his passport or seeking issuance of fresh passport as per the rules/gazette for a period of ten years for the purpose of work which involves a lot of travel.

3. The applicant's passport expired on 07/07/2023. The present criminal appeal is of the year 2016. The applicant is convicted for an offence punishable under Section 7 of the Prevention of Corruption Act, 1988 (for short "P.C. Act") and sentenced to suffer R.I. for 3 years and to pay a fine of Rs.25,000/-. The applicant is also convicted for an offence punishable under Section 13(1)(d) read with Section 13(2) of the P.C. Act and sentenced to suffer R.I. for three years and to pay a fine of Rs.25,000/-. The sentence has been suspended and the applicant is on bail during the pendency of the present appeal. Now the applicant has moved the present application for aforesaid reliefs.

4. Learned counsel for respondent No.3 vehemently opposed the application by relying on the notification, issued by the Ministry of External Affairs, dated 25/08/1993, in exercise of powers conferred by clause(a) of Section 22 of the Passports Act, 1967. Learned counsel for respondent No.3 submitted that in any such case, the permission for application to renew the passport for one year can be granted.

5. Reading of the notification indicates that if no period either for the issue of the passport or for the travel abroad is specified in the order passed by the concerned Court, the passport shall be issued for a period of one year. There is no impediment for this Court to allow the applicant to apply for renewal of the passport for more than one year.

Considering that the appeal is pending since 2016, there is absolutely no difficulty in allowing the applicant to apply for renewal of the passport/issuance of the passport presently for five years.

6. In this view of the matter, the application is allowed. The applicant is permitted to apply for renewal of the passport/issuance of the passport for five years to the concerned Passport Authority.

7. The Application is allowed in the above terms and disposed of accordingly.

(M. S. KARNIK, J.)