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

CRIMINAL APPLICATION NO. 958 OF 2023

Raju Babalu Patel
VS.

..Applicant

The State of Maharashtra

..Respondent

Mr. Lokesh Zade for the Applicant.

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

CORAM : M. S. KARNIK, J.

DATE : AUGUST 3, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant challenges the order dated 22/06/2023 passed by the trial Court rejecting the application filed by the applicant below Exhibit 51.

3. Before the trial Court, the applicant faces prosecution for the offence punishable under Sections 354-A of the Indian Penal Code (IPC) and under Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012.

4. Learned counsel for the applicant states that the

validity of the passport of the applicant got over by 24/03/2023. In that regard, the applicant made an application for renewal of the passport to the passport authority. By communication dated 18/01/2023, the regional passport office informed the applicant that a criminal case is pending against the applicant as per the police verification report and in view of that the applicant is required to furnish proof of clearance of the case and clarify in person in the passport office.

5. The trial Court for the following reasons rejected the application of the applicant:

“03. From the perusal of copy of passport, it reveals that, passport is expired on 24.03.2023. For its renewal, he moved application on 17.12.2022. It is informed to him that, as criminal case is pending as per police verification report vide C.R. No. 44/2021 registered at Shahapuri Police Station for the offences punishable U/s.354-A of I.P.C. & Secs. 4, 12 of POCSO Act, proof of clearance of the case was sought.

04. Record shows that, matter is pending for charge, but accused instead of proceedings with the matter filing applicant after application or application for adjournment and so the matter is lingered. So also validity of passport is already expired. Under such circumstances, as matter can be expedited, following order is passed in the interest of justice.”

6. My attention is invited by the learned counsel for the applicant to the decision of the Division Bench of this Court in the case of **Narendra K. Ambwani Vs. Union of India and Ors.**¹. In my opinion, the pendency of the criminal prosecution in the present situation by itself could not have been ground to reject the application below Exhibit 51. Moreover, learned counsel for the applicant submitted that he is willing to make a statement that the applicant will not travel abroad or leave the country without the express permission of the trial Court.

7. In my opinion, the application can be allowed by imposing further conditions to ensure that the applicant attends the trial and any plans to travel abroad can be made subject to the permission of the trial Court considering that serious charges are levelled against him.

8. The application is allowed.

9. The passport office shall not reject the renewal application only on the ground of pendency of the criminal

1 Writ Petition No. 361 of 2014

case against the applicant.

10. Needless to mention that the application for renewal may be scrutinised subject to the provisions of law.

11. In the event the passport is renewed in favour of the applicant, the same shall be deposited with the trial Court forthwith.

12. The application made by the applicant for the return of the passport, in case the applicant needs to travel abroad, shall be considered by the trial Court on its own merits and in accordance with the law.

13. The application is disposed of in the above terms.

(M. S. KARNIK, J.)