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

CRIMINAL APPLICATION NO.963 OF 2023

ANIL LAXMICHAND MENDA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ORS.

..RESPONDENTS

Adv. Rahul Agarwal a/w. Adv. Sajid Sayed, Adv. Jasmin Purani
for the applicant.

Ms. P. N. Dabholkar, APP for State.

Mr. D. P. Singh for the respondent no.3- Passport Authority.

Adv. Priya Dubey h/f. Adv. H. S. Venegavkar for the
respondent - CBI.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 7, 2023.

P.C. :

1. In this application the order dated 21/7/2023 passed by the Special Court for CBI at Greater Bombay is under challenge. The applicant is challenging the clause (2) of the impugned order whereby the Special Court had granted no objection for renewal of the passport for a period of one year from the date of the order. In paragraph 20 of the impugned order the Special Court observed thus :-

“20. As of now, the Criminal Appeal is pending consideration before Hon’ble Bombay High Court, the presence of accused would be necessary, if required by the Hon’ble Bombay High Court. Therefore, considering the

pendency of Criminal Appeal, renewal of passport for a period of 10 years at a stretch would be improper. The apprehension of prosecution is necessary to be considered as it is not proper to brush aside the caution expressed by the prosecution. The charge against the accused are serious and grave and he is convicted to suffer rigorous imprisonment of 5 years and fine. Resultantly, the period for renewal of passport needs to be checked and it has to be kept limited for one year, so as to secure the presence of the accused for the pending Criminal Appeal.”

2. Learned counsel for the applicant requested for the passport to be renewed for a period of 10 years as according to him, the request made is reasonable.

3. Learned counsel Mr. Venegavkar, on the last occasion, had submitted that having regard to the facts and circumstances of the case, a blanket permission for renewal of the passport for a period of 10 years ought not to be granted.

4. The criminal proceeding is of the year 2017. During the pendency of the proceedings, there is nothing on record to indicate that the conduct of the applicant is questionable. In this view of the matter, in my opinion, clause (2) of the impugned order can be modified and no objection can be granted for renewal of the passport for a period 5 years

from today.

5. In any case, in the light of the impugned order, the copy of the passport upon renewal if so granted, has to be produced before the trial Court.

6. The CBI may hand over the copy of the old passport forthwith to the applicant.

7. Though the trial Court has made a reference to the copy of the passport, the same be understood to mean that the original passport, upon its renewal has to be handed over to the CBI.

8. The Criminal Application is disposed of.

(M. S. KARNIK, J.)