

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

CRIMINAL APPLICATION NO. 1100 OF 2016

Mr. Roshan Surendra Uchil

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Ms. Akanksha Kadam h/f. Adv. Kranti Anand for the Applicant.

Ms. A.A. Takalkar, APP for the State.

Mr. Pawar, PSI, Nehru Nagar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 21st APRIL, 2023.

P. C. :-

. By this Application, the Applicant has sought return of passport bearing No.Z2426334 in M.E.C.R.No.3/2014 and permission to travel to Dubai.

2. Order dated 28/09/2016 reveals that learned APP had made a statement that the charge sheet would be filed within 6 to 8 weeks and in the light of said statement, learned counsel for the Applicant sought leave to withdraw the Application with liberty to file appropriate application before the trial court for seeking the same reliefs after filing of the charge sheet. Hence, the Application was dismissed as withdrawn.

3. Pursuant to the order dated 28/09/2016, the Applicant/Petitioner filed another writ petition being Criminal Writ Petition No.3541/2016 wherein by order dated 18/10/2016, the Division Bench of this Court had granted interim relief and directed that charge sheet shall not be filed till the next date. By order dated 20/02/2017, the Division Bench of this Court issued rule in the same petition and continued the ad-interim relief. The Applicant thereafter filed Interim Application for recall/modification of the order dated 28/09/2016. By order dated 14/12/2022, this Court (Coram : Revati Mohite Dere, J.) allowed the said application and recalled the order dated 28/09/2016 and consequently, restored the present application being Criminal Application No.1100/2016 to its original file.

4. Learned counsel for the Applicant states that the passport was deposited with the Investigating Officer. He states that the Criminal Writ Petition No.3541/2016 is still pending before this Court and the interim relief continues to operate in favour of the Applicant.

5. Since there is stay to the filing of the charge sheet, in my considered view, at this stage, it is not necessary to retain the

Applicant's passport with the Investigating Officer and there is no hindrance to return the said passport to the Applicant. As regards permission to go to Dubai, the Application in this regard was filed in the year 2016. In the event the Applicant desires to travel abroad, he is at liberty to file fresh application giving the itinerary of his travel to a foreign country.

6. Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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