

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

**INTERIM APPLICATION NO. 3173 OF 2023
IN
CRIMINAL APPLICATION NO. 614 OF 2011**

Pinakin Kantilal Patel ..Applicant.
Versus
Dy. Commissioner of Income Tax & Ors. ..Respondents

Mr. Siddharth Jagushte for Applicant.

Mr. Siddharth Chandrashekar for Respondent No.1.

Mr. Shahajirao Shinde, APP for Passport Authority/Respondent No.3.

Mr. Arfan Sait, APP for State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 9 NOVEMBER 2023**

PC :

1. The Applicant has preferred this application for issuing no objection to the applicant for renewal of his passport for full term of 10 years, in accordance with rules under the Passport Act, 1967.

2. Heard Mr. Siddharth Jagushte, learned counsel for the

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Applicant, Mr. Siddharth Chandrashekar, learned counsel for the Respondent No.1, Mr. Shahajirao Shinde, learned APP for the Passport Authority/Respondent No.3 and Mr. Arfan Sait, learned APP for the State/Respondent No.2.

3. The Applicant is the original accused No.7 in C.C.No.103/SW/2013 before the Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai. The prosecution is for the offences punishable under sections 276(C)(2) r/w. Section 278B of the Income Tax Act. The applicant was prosecuted for the allegations that, he was officer in charge of and responsible to the affairs of the accused No.1 company i.e. M/s.Maegaware Computers Limited, that had committed the principal offence.

4. Learned counsel for the Applicant states that the prosecution was launched in the year 1993 and the aforesaid number is the new number given to the case. The applicant has challenged the prosecution by way of Criminal Application No.614 of 2011. The said application is already admitted and interim protection is granted to the applicant.

5. Learned counsel for the applicant submitted that, after registration of the case against the applicant, on two occasions the passport authorities had renewed his passport for the full term of 10 years, but on subsequent two occasions it was renewed only for one year and for one year and seven months respectively. He submitted that, in the past, on 8 occasions the applicant was granted permission to travel abroad. Pursuant to those permissions, he had travelled abroad and had returned to India; therefore, he has sufficiently established his bonafides. There is no flight risk involved in this case.

6. Learned counsel for the Respondent Nos.1 and 3, though, did not give consent for these reliefs, they left it to the discretion of the Court to decide this application.

7. Considering these submissions and, in particular, taking into account the fact that on eight occasions the applicant was permitted to travel abroad and that he is returned back, the application can be allowed.

8. Hence, the following order:

O R D E R

- i) The Applicant is granted no objection for applying for renewal of his passport for the full term of 10 years.
- ii) With these observations, the application is disposed of.

(SARANG V. KOTWAL, J.)