

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

CRIMINAL APPLICATION NO.996 OF 2022

Abhishek Suresh Gupta Applicant
versus
Regional Passport Office & Ors. Respondents
.....

- Mr. Rahul Agarwal a/w Jasmin Purani, Advocate for Applicant.
- Mr. S. K. Halwasia, for Respondent Nos.1 and 2.
- Mr. A. R. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 01st AUGUST, 2023

P.C. :

1. Heard Mr. Rahul Agarwal, learned counsel for the Applicant, Mr. S. K. Halwasia, learned counsel for Respondents Nos.1 and 2. and Mr. A. R. Patil, learned APP for the State.
2. This application was admitted by issuing Rule on 12/12/2020. In this application, the Applicant has challenged the order dated 08/10/2022 passed by the Sessions Court below Ex.27 in Company Petition No.18 of 2018.
3. The said application was preferred by the Applicant before the Sessions Court for grant of permission to apply for and seeking extension of duration, validity, renewal and re-

issuance of his passport. While deciding this application, the learned Judge observed that the Applicant had failed to mention the authority to whom such directions were to be issued. The Applicant had not specified when the earlier passport was obtained and when it had expired. In short, according to the learned Judge, the application was filed without giving basic minimum details. The learned Judge further observed that the application did not deserve consideration and rejected it. Thus there was no discussion on the merits of the matter because the Applicant had not provided the basic details as observed by the learned Judge.

4. In the present application, learned counsel appearing for both the parties submit that the matter can be remanded back before the learned Sessions Judge for deciding it afresh and liberty can be granted to the Applicant to amend Ex.27 by furnishing necessary details which are required for the decision of that application.

5. Learned counsel for the Respondent Nos.1 and 2 specifically has taken instructions in that behalf from the Respondent No.1. He submitted that there is no objection if the matter is remanded back before the Trial Court for fresh consideration on merits.
6. Learned counsel for the Applicant states that he will amend the said application below Ex.27 in the said proceedings and furnish all the necessary documents. He shall amend the grounds as well as the prayer in that application.
7. Considering the stand taken by both the counsel for the contesting parties, it is not necessary to make observations about the correctness of the impugned order at this stage. The matter can be remanded back before the said Court for fresh consideration.
8. Hence, the following order :

ORDER

- (i) The order dated 08/10/2022 passed below Ex.27 in Company Petition No.18 of 2018 passed

by the Additional Sessions Judge, Greater Mumbai, is set aside.

- (ii) The learned Additional Sessions Judge shall decide the application at Ex.27 in Company Petition No.18 of 2018 before him afresh in accordance with law.
- (iii) The Applicant is at liberty to amend Ex.27 by furnishing all the necessary details and documents and by correcting the prayers.
- (iv) He will give a copy of the amended application to the other side well in advance.
- (v) The Respondents herein shall be entitled to file their reply and contest that application.
- (vi) The contentions on merits of both the parties are specifically left open.
- (vii) The application shall be decided as early as possible.
- (viii) With these observations, the application is disposed of.

(SARANG V. KOTWAL, J.)