

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

**INTERIM APPLICATION NO. 3810 OF 2023  
IN  
CRIMINAL APPEAL NO. 901 OF 2017**

Gulab Hubnarayan Shukla ...Applicant  
vs.  
The State of Maharashtra and Anr. ...Respondents

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Mr. Ayush Pasbola i/by Rahul Arote - Advocate for the Applicant

Mr. S. R. Agarkar - APP for the Respondent No. 1-State

Mr. D. P. Singh - Advocate for Respondent No. 2

PSI Mahadik - N. M. Joshi Marg Police Station

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**CORAM : S. M. MODAK, J.**

**DATE : 08<sup>th</sup> DECEMBER, 2023**

**P. C. :-**

**1.** Heard learned Advocate Shri Pasbola for the Applicant-Appellant, learned Advocate for the Respondent No. 2-Passport Office and learned APP for Respondent No. 1-State.

**2.** On the point of number of cases, Respondent No. 2 has sought for Police report and it was informed to passport office that one case bearing CR No. 98 of 2007 with Aazad Maidan Police Station for offence punishable under Sections 255, 256, 257, 258, 259, 260, 467, 468, 471, 120B, 420 read with 34 of

the Indian Penal Code is registered. The Police Verification report given by the Police to the Passport Office is taken on record and marked as "Annexure-X". In fact, this is same crime in which the Appellant is convicted and sentence is suspended by this Court. Except this offence, Police does not say that there are other offences.

**3.** Learned Advocate Shri Pasbola and learned Advocate Shri Singh for the Passport Office invited my attention to the provisions of the Sections 6 (2) (e) and (f) of Passports Act.

**4.** Learned Advocate for Respondent no. 2 invited my attention to the notification dated 25/08/1993 issued by the Ministry of External Affairs. It is true that as per the provisions of Section 6 (2), the passport authority can refuse to issue passports or travel documents, if any of the clauses are fulfilled.

"Clause no. (f) deals with pendency of the proceedings in respect of offences alleged to have been committed and it is pending before Criminal Court in India."

This condition is fulfilled.

**5.** Now as per the notification referred above issued as per provisions of the Section 22 clause (a) of the Passports Act, the citizens are exempted subject to conditions of granting

permission by the Court for issuance of the passport. There are various clauses. It also mentions that if the period of passport is not mentioned, it will issue for one year only. In this case, the sentence is already suspended as per Order dated 13/11/2017. There is no condition of obtaining permission prior to travel abroad.

**6.** It is true that right to travel even outside India is fundamental right available to citizens. In this case, the Appellant wants to travel to Dubai for marriage of his grand daughter scheduled from 10<sup>th</sup> to 12<sup>th</sup> February, 2024. The relevant details are annexed. The prosecution is not doubting about reason to travel.

**7.** In view of that I am inclined to allow the prayer clause 'a' for issuance of the passport. It is also clarified that hereinafter if the Appellant wants to travel abroad he is directed to take permission of the Court earlier.

**8.** In view of that following order is passed:-

### **ORDER**

- (i) Interim Application is allowed in terms of prayer clause 'a'.
- (ii) Let Respondent No. 2 issue passport to the Applicant-Appellant subject to fulfillment of the compliance mentioned in the letter dated

06/12/2023 for a period of one year.

(iii) Hereinafter, if the Applicant-Appellant wants to travel abroad, he is directed to take permission of the Court.

(iv) The Appellant-Applicant is permitted to travel Dubai from 8<sup>th</sup> to 13<sup>th</sup> February, 2024.

**[S. M. MODAK, J.]**