

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

**INTERIM APPLICATION NO. 3868 OF 2023
IN
CRIMINAL APPEAL NO. 160 OF 2000**

Dattatraya Gulab Padale ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

Mr. Aayush Kedia a/w Yagni Sarvankar - Advocate for the Applicant

Mr. S. R. Agarkar- APP for the Respondent-State

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

CORAM : S. M. MODAK, J.

DATE : 08th DECEMBER, 2023

P. C. :-

1. Heard learned Advocate for the Applicant, learned Advocate for the passport office and learned APP.
2. The Appellant is convicted for the offence punishable under Section 376 of the Indian Penal Code and sentence is suspended by this Court on 09/03/2000. He applied for passport for ten years. Even he has applied for passport yet passport office has not processed his application. In view of that yet they have to do the Police verification.
3. It is true that right to travel in India and abroad is

fundamental right. If except this offence there are no other criminal antecedents, certainly application of the Applicant can be considered. However, cannot be granted for ten years at one stroke. It can be granted for one year because this appeal is pending. Further it is submitted that for the last six months passport holder cannot travel abroad as per the Visa rules. So I am inclined to grant permission for two years. Hence Order:-

ORDER

- (i) Let the Passport office, Pune to process the application of this Applicant for issuance of the passport.
- (ii) They can issue passport for two years subject to compliance of the Rules and after Police verification.
- (iii) They can issue passport if there are no criminal case other than present case i.e. C. C. No. 25 of 1997 registered with Satara Police station.

4. Interim application No. 3868 of 2023 is disposed of.

[S. M. MODAK, J.]