

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4459 OF 2022
IN
CRIMINAL APPEAL NO.371 OF 2011

Bhiwaji Baburao Pawar .. Applicant

Versus

C.B.I. Anti-Corruption Bureau & Anr. .. Respondents

...

Mr.Vishwanath S. Talkute for the Applicant.

Mr.Dinesh D. Dey i/b Mr.Amit Munde for the Respondent No.1/
CBI.

Mr.S.R.Agarkar, A.P.P. for the State.

...

CORAM: BHARATI DANGRE, J.

DATED : 17th MARCH, 2023

P.C:-

1. On the last date of hearing, the learned counsel Mr.Amit Munde appeared for the CBI and he sought time. Today, it is informed that Special P.P. Mr.Deepak Salvi will be appearing. However, he has not bothered to put his appearance.

2. Heard the learned counsel for the Applicant.

The application seeks relief of grant of permission for obtaining passport from the Passport Authority and leave India to travel abroad.

Though I do not think that these two prayers deserve consideration together, for the time being the learned counsel for the Applicant states that he shall restrict his prayer for grant of passport.

3. The Applicant stood convicted by the learned Special Judge under the PC Act for the offence punishable under Section 13(1)(e) read with Section 13(2) and sentenced to suffer R.I. for one year and pay a fine of Rs.50,000/-. The disproportionate assets were directed to be confiscated to State, after the appeal period is over. The said judgment is subjected to the appeal before this Court in form of Criminal Appeal No.371 of 2011, which is admitted and the sentence imposed is suspended.

The offence came to be registered against the Applicant under the PC Act in the year 2005 and subsequent to the trial, he was convicted vide the impugned judgment dated 16/04/2011. The Appeal is pending in this Court for adjudication and there is probability that it may take considerable time for being heard.

In these circumstances, I do not see any legal impediment in granting passport in favour of the Applicant, though the prayer for being permitted to travel abroad shall be considered, as and when contingency arise.

In the wake of the above, since it is informed that the Applicant has already made an application for grant of passport, the Passport Authority shall grant the passport, if the Applicant satisfies the requirement regarding the same.

4. With the aforesaid, the interim application stands disposed off.

(SMT. BHARATI DANGRE, J.)