



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 408 OF 2024

Archana Nanasaheb Kobarne

....Petitioner

VERSUS

Nanasaheb Sainath Kobarne And Others

.....Respondents

.....
Mr. Bhushan Mahajan, Advocate for petitioner.
Mr. B.M. Dhanure, APP for State.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st MARCH, 2024

ORDER :

1. Petitioner is aggrieved by the order dated 29.09.2023 passed by learned Additional Chief Judicial Magistrate, Ahmednagar, below Exhibit-20 in Regular Criminal Case No. 294/2023.

2. Petitioner/wife has filed FIR at C.R. No. 885/2022 with MIDC Police Station, Dist. Ahmednagar, under sections 498-A, 354, 323, 504, 506 of IPC. After completion of investigation, charge sheet is filed and case is numbered as R.C.C. No. 294/2023, which is going on before the Trial Court.

3. Respondent filed application Exhibit-20 contending that he is serving in army as medical officer and he is implicated

Bhagyawant Punde

in a false case by wife. His passport was misplaced and therefore he has applied for new passport on 08.05.2023. In police verification it is informed to the passport office that present criminal case is pending against respondent. Since, respondent is in army, for attending seminars and conferences he needs to go out of country. He is ready to give undertaking to the Court that without permission of the Court he will not go out of India. He therefore prayed that he may be permitted to obtain new passport.

4. Said application was opposed by petitioner contending that respondent is involved in serious offence and he will go out of country and settle there if new passport is issued to him.

5. Trial Court allowed the application observing that there is nothing on record to show that respondent is having criminal antecedents. He is regularly attending the Court in person or through his advocate. He has not misused the liberty granted to him. He is ready to abide by conditions imposed on him. Therefore, Trial Court allowed the application, rightly so.

6. Right to travel is fundamental right, recognized under Article 21 of Constitution of India. Petitioner due to personal

grudge has opposed the application, which is rightly allowed by the Trial Court. Reasons assigned by Trial Court are cogent and justifiable. No case is made out by petitioner to exercise extraordinary writ jurisdiction. Writ petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]