



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1015 CRIMINAL WRIT PETITION NO. 1756 OF 2023

SHAIKH ABDUL ALEEM ABDUL GANI SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Petitioners : Mr. Shrikrashna B. Solanke.
APP for Respondent/State : Mr.R.B. Dhaware
Advocate for Respondent no.2 : Mr.Patale Amol N.

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 9th July, 2024.

P.C.:

1. By this writ petition, the petitioner is challenging the impugned orders dated 20th May, 2023 passed by the Judicial Magistrate, First Class (Court No.6), Aurangabad (for short, "J.M.F.C.") below Exhibit-14 and Exhibit-15 in R.C.C. No.1396 of 2021.

2. It is contention of the learned counsel for the petitioners that the petitioners are planning to visit Haj/Umrah for religious purpose therefore, they are required to renew their passport as soon as possible, but some criminal cases are pending against the petitioners, hence the passport authorities have refused to renew the passport and directed the petitioners to get the orders from the Competent Court. Therefore, the petitioners had filed applications before J.M.F.C. below Exhibit-14 and Exhibit-15 with prayer to give no objection for renewal of passport and for directions to the Regional Passport Officer, Ministry of External Affairs, Government of India Mumbai to renew the

passports of the petitioners for period of 10 years. The learned trial Court has rejected the said application. The learned counsel further submitted that the trial Court has given no objection to one of the co-accused in the crime, the petitioners are accused, hence requested to allow the petition.

3. It is contention of learned counsel for respondent no.2 for passport authority that no application is filed by the petitioners before the passport authority for renewal. If the petitioners filed application for renewal, the respondent no.2 would pass the necessary orders on the said application as per provisions of the Passports Act, 1967.

4. It is contention of learned APP that the appropriate order be passed.

5. I have heard all the learned counsel. Perused the impugned order.

6. It appears that the trial Court has given no objection to one of the co-accused, out of the same F.I.R. in which the petitioners are accused. Considering these facts, if the direction is given to the respondent no.2 to decide the renewal application filed by the petitioners as per the provisions of the Passports Act, it would suffice and I pass the following order :-

ORDER

(i) The writ petition is allowed.

- (ii) The petitioners shall file the applications for renewal of passport before the Respondent No.2 – Passport Authority.
- (iii) The Passport Authority shall decide the said applications as per the provisions of the Passports Act, on its own merits.
- (iv) The Passport Authority shall not reject the applications on the ground that no objection from the Judicial Magistrate, First Class has not obtained.
- (v) The petitioners shall provide all the information to the Passport Authority as they required.
- (vi) The writ petition is disposed of accordingly.

[SHIVKUMAR DIGE, J.]

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