

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

CRIMINAL WRIT PETITION NO.3617 OF 2023

Sangram Ashok Swami

...Petitioner

Versus

Regional Passport Office, Pune and Ors.

...Respondents

Mr. Omkar Nagwekar, for the Petitioner.

Ms. Neha Patil, for the Respondent Nos.1 and 2.

Ms. P. P. Shinde, A.P.P for the Respondent No.3- State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 22nd JANUARY 2024

P.C. :

1. At the outset, learned counsel for the petitioner seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.

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3. By this petition, the petitioner seeks a direction to the respondent No.1 to renew the petitioner's passport for a period of 10 years.

4. Perused the papers. It appears that the petitioner has been arraigned as an accused in two cases, (i) one registered vide C.R. No.113 of 2013, with the Ichalkaranji Police Station, for the alleged offences punishable under Sections 143, 147, 148, 337, 353, 323, 504, 506, 427 of the Indian Penal Code; under Sections 3 and 7 of the Prevention of Damage to Public Property Act and Section 135 of the Maharashtra Police Act and the other (ii) C.R. No.114 of 2013, also registered with the Ichalkaranji Police Station, for the alleged offences punishable under Sections 147, 148, 149, 120B, 307, 326, 323, 324, 353, 332, 333, 506 of the Indian Penal Code r/w under Section 135 of the Maharashtra Police Act.

5. As far as C.R. No.113 of 2013, registered with Ichalkaranji Police Station is concerned, it is not in dispute that the

petitioner has been acquitted of the said offences vide Judgment and Order dated 29th November 2023. Learned counsel has tendered a copy of the said Judgment and Order dated 29th November 2023, by which the petitioner alongwith other accused have been acquitted of the offences, with which they were charged. The same is taken on record.

6. It thus appears that there is only one case pending against the petitioner which arises out of C.R. No.114 of 2013 registered with the Ichalkaranji Police Station.

7. According to the petitioner, he is the partner in Vardayini Textiles LLP in the City of Ichalkaranji and for the purpose of expansion of his business, the petitioner is required to visit foreign countries and participate in Seminars.

8. According to the learned counsel for the petitioner, the petitioner had a valid passport and since the said passport was

expiring, applied for renewal of the same on urgent basis, since his old passport's validity had expired on 18th March 2022. He submits that pursuant thereto, the passport authority i.e. respondent No.1 renewed the petitioner's passport for a period of 10 years i.e. from 22nd June 2022 to 21st June 2032. It appears that the said passport was issued to the petitioner under the urgent category and as such when the passport was issued, the police verification report was not available with the Passport authorities. According to the learned counsel for the petitioner, the petitioner received a letter dated 1st July 2022 issued by the respondent No.1 seeking clarification in respect of the adverse police verification report and as such an explanation was called for.

9. According to the learned counsel for the petitioner, inadvertently in the renewal form, he had not mentioned the details of the criminal proceedings pending against him, pursuant to which, the passport authority cancelled the petitioner's passport and the petitioner was directed to surrender his passport. Accordingly, the petitioner surrendered his passport and the petitioner's application

form seeking renewal, was closed by the passport authority. Learned counsel for the petitioner states that the petitioner has now applied for renewal of his passport again and in the said application the petitioner has disclosed all the criminal proceedings pending against him. The said Form is at Exhibit – E, page 23 of the petition.

10. It is not in dispute that the petitioner's passport was cancelled by the passport authority, considering that the petitioner had not disclosed full and correct information of the criminal proceedings pending against him and as such no fault can be found with the passport authority cancelling the petitioner's passport for supplying incorrect information. Since the petitioner has again filed a fresh application seeking renewal of his passport, we direct the respondent No.1, to renew the petitioner's passport for 10 years, in accordance with the Passport Act and Rules and regulations thereunder.

11. Needless to state, that if the petitioner is desirous of travelling overseas, the petitioner to seek the permission of the trial

Court, before leaving the country.

12. Petition is allowed and disposed of in above terms.

13. All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.