



Diksha Rane

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

**INTERIM APPLICATION NO.1676/2023
IN
CRIMINAL APPEAL NO.527/2010**

AROUMUGAM CHRISTIAN @ ARUN ..APPLICANT

VS.

SANJOT M. PATIL & ANR. ..RESPONDENTS

Adv. Subhash Bhalwal a/w. Adv. Kundanlal Patil i/b. Vyas & Bhalwal for the applicant.

Mr. S. H. Yadav, APP for the State.

Adv. Ashish Chavan for the respondent-NCB.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. The applicant is a resident of Pondicherry. The applicant was convicted in NDPS Case No.87/2006 vide order dated 18/3/2010. He has served ten years sentence and also paid fine. The applicant's mother is a resident of France. The applicant wants to travel to France. The applicant had surrendered his passport to the investigating

agencies. Now that the trial is concluded and the applicant has served the sentence, the applicant wants his passport to be returned. Accordingly, this application by the applicant in the appeal that was earlier filed for the following reliefs:-

- a) That the respondents be directed by an order and directions of This Honourable court to return Applicant's passport bearing passport no. 01 EA 21335 along with laptop and laptop bag as recorded in an order dated 18.03.2010 being Exhibit "C" hereto.
- b) That this honourable court may direct the F.R.R.O (immigration office) to grant an Exit Visa and an Entry Visa as and when applied by the applicant.
- c) In the alternative if the passport bearing no. 01 EA 21335 cannot be retrieved or is misplaced or lost from the Respondents, then the Hon'ble Court may direct the Respondent No. 2 or the intelligence officer of Narcotic Central Bureau, Mumbai to issue a letter addressed to French Embassy stating the same so that a new passport can be issued to the Applicant."

3. Learned counsel Mr. Ashish Chavan appearing for the Narcotics Control Bureau (NCB) submitted that the passport that was recovered by them from the applicant was tendered in evidence before the trial Court and the same was marked as Exhibit '15'. After the trial concluded, it is submitted that there is an order disposing of the muddemal. There is, however, no reference to Exhibit '15'. According to him, the passport after its production before the trial Court, was never handed over to the investigating agencies. It is submitted by Mr. Chavan that NCB does not have the

custody of the passport, the return of which is claimed by the applicant. Mr. Chavan submitted that the applicant make an appropriate application before the trial Court for the return of the passport.

4. Now that the applicant has served the sentence, there is no difficulty for the return of the passport to the applicant. Mr. Chavan submitted that the NCB does not have the custody of the passport and that the same was always with the trial Court. In this view of the matter, the proper course for the applicant is to make an appropriate application before the trial Court for return of the passport. The applicant is entitled to the return of his passport.

5. The trial Court, undoubtedly, will pass appropriate orders expeditiously for return of the passport or otherwise. In the event, the passport bearing No. 01 EA 21335 is not with the trial Court or now for some reasons cannot be returned due to passage of time, it is open for the applicant to apply for a new passport to the appropriate authorities, which application shall undoubtedly be considered in accordance with law. If an application for new passport is made, the authority shall proceed on the footing that the

passport is not in the custody of NCB.

6. Liberty to apply in case of difficulty.

7. The application is disposed of.

(M. S. KARNIK, J.)