



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

**INTERIM APPLICATION NO. 2047 of 2022
IN
CRIMINAL APPEAL NO. 1115 OF 2009**

Akshay Ramesh Shetty ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Mr.Abhaykumar Apte, for the Applicant.
Mr. S.K. Halwasia a/w Mr. Keshav Thakur, for Respondent
No.2.
Ms. S. D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2024

P.C. :

1. Heard learned counsel for the applicant. The appeal is pending from the year 2009. The appeal is not likely to be heard any time soon.
2. This is an application for seeking permission for issuance of a fresh passport. The application is opposed by learned counsel for the respondent no.2. It is submitted that the applicant has been convicted for the offence punishable under sections 392, 394, 397, 504, 506 read with 34 of the Indian Penal Code and under sections 4 and

25 of the Arms Act and under section 135 of the Bombay Police Act and sentenced to suffer rigorous imprisonment for 7 years and also 2 years in respect of one offence and another 2 years in respect of another offence, substantive sentences of which are ordered to run concurrently. It is submitted that taking into consideration the gravity of the accusations, the application be rejected. It is further submitted that having regard to the provisions of section 6(2)(f) of the Passports Act, 1967, the application be rejected as proceedings are pending in this Court.

3. Having given due consideration to the submissions, for the reasons mentioned in the application, I am inclined to allow this application and direct the respondent no.2 to consider the application for issuance of a fresh passport in accordance with law. Pendency of this appeal or the conviction recorded by the trial Court shall not be a reason to deprive the applicant the facility of issuance of a fresh passport to the applicant, if otherwise he is eligible.

4. Learned counsel for the applicant on instructions submits that in the event the passport is issued, the same shall be deposited with the investigating officer. Statement

is accepted. If the applicant intends to travel abroad, he may apply to this Court, in which case it is open for the applicant to request for return of the passport for a limited duration.

5. The application is allowed in the above terms and the same is disposed of.

(M. S. KARNIK, J.)