

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

CRIMINAL WRIT PETITION NO. 3170 OF 2023

Abhishek Annasaheb Mohite Petitioner

Versus

The Union Of India And Anr. Respondents

Mr. Sagar Redkar a/w Mr. Dnyanesh Patil i/b Mr. Aditya S. Raktade,
for the Petitioner.

Mrs. P. P. Shinde, A.P.P for the Respondent – State.

Mr. Shreeram Shirsat, Special P.P, a/w Ms. Tanvi Mate, Mr. Shekhar
Mane, Mr. Nishad Mokashi, for the Respondent No.2.

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

DATE : 17th JANUARY 2024

P.C. :

1. Heard learned Counsel for the parties.
2. By this petition, the petitioner seeks a direction to the respondent No.2 i.e. Superintendent Regional Passport, Pune, to renew the petitioner's passport, bearing no. X 7563378 (new passport

bearing No. B9003847), for a period of ten years.

3. Perused the papers. It appears that an F.I.R. has been filed as against the petitioner under the provisions of the Essential Commodities Act; that after investigation, chargesheet has been filed in the said case; and that the said case is pending before the learned Judicial Magistrate First Class, at Kolhapur. It is not in dispute that the petitioner has filed an application, being Criminal Application No. 1275 of 2016, before this Court and has sought quashing of the entire criminal proceedings i.e. R.C.C No. 504 of 2015. It is also not in dispute that, this Court (Coram : A. S. Oka and Anuja Prabhudesai, JJ), by Order dated 17th January, 2017, has stayed the said criminal proceeding and that the said application is pending in this Court.

4. It appears that during the pendency of the aforesaid application in this Court, the petitioner filed an application, before the learned Judicial Magistrate First Class, Kolhapur, seeking renewal of his passport. It is not in dispute that, the said application was allowed by the learned Judicial Magistrate First Class, Kolhapur, with Order

dated 31st January, 2023, as per the Passport Act and rules, thereon. Pursuant thereto, the passport of the petitioner was renewed for a period of one year, as per the notification dated 25th August, 1993.

5. By this petition, the petitioner seeks, a direction to be issued to the respondent, to renew his passport for ten years.

6. Having regard the fact that the proceeding before Trial Court has been stayed by this Court, there is no impediment in issuing a direction to the Passport Authority to renew the petitioner's passport.

7. Accordingly, we direct the respondent No.2 - Superintendent Regional Passport, Pune, to renew the petitioner's passport, bearing no. X 7563378 (new passport bearing No. B9003847), for a period of ten years, in accordance with the Passport Act and rules, thereunder.

8. Needless to state, that in the event the petitioner intends to travel abroad, he shall seek permission from the appropriate Court,

before leaving the country.

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

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

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

Digitally
signed by
CHAITANYA
ASHOK
JADHAV
Date
2024.04.29
17:53:58
+0530