

Shailaja

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

**INTERIM APPLICATION NO.2130 OF 2024
IN
CRIMINAL WRIT PETITION NO.2061 OF 2022**

Hiren Hasmukh Doshi] **Applicant**
Vs.
State of Maharashtra and another] **Respondents**

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Mr. Kapil Dave, for Applicant.

Mr. A.A. Palkar, A.P.P, for Respondent No.1 – State.

Ms. Manisha Jagtap, Special P.P, for Respondent No.2.
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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 25th June, 2024.

P.C.

1. Heard learned Counsel for the applicant and learned Counsel for respondent No.2.

2. Learned Counsel for the applicant seeks permission of this Court for renewal of his passport which was expired on 29th August, 2022. He submits that since the applicant is permanent resident of Mumbai, there is no possibility of his abscondence from the jurisdiction of this Court and, therefore, there is no question of

hampering the trial which is pending before the Metropolitan Magistrate, Dadar.

3. Learned Counsel for respondent No.2 invites my attention to the Gazette of India issued by the Ministry of External Affairs vide its Notification dated 25th August, 1993. Relevant clauses of the said Gazette are extracted below;

(a) the passport to be issued to every such citizen shall be issued_

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a) (ii) and (a) (iii) above, can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued”.

4. Having taken into consideration the conditions enumerated therein, respondent No.2 may issue a passport in favour of the applicant in accordance with the rules as early as possible, and, in any case, within six weeks from today.

5. The application stands disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]