

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

**INTERIM APPLICATION NO.1513 OF 2024
IN
CRIMINAL APPEAL NO.254 OF 2021**

Ambika Shivaji Naidu

.....Applicant

Versus

Union of India

and others

.... Respondents

Mr. Parth Bhanushali, Advocate i/b. Maitreya Shukla for the Applicant.

Mr.Amit Munde SPP for CBIACB Mumbai for Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th JUNE, 2024

P.C. :

1. This is an Application for permission to renew the passport. The Applicant was Accused No.2 in CBI Special Case No.80/2014. The learned Special Judge vide his judgment and order dated 23.2.2021 convicted the Applicant under Section 109 of IPC read with Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act and sentenced her to suffer SI for one year and to pay fine of Rs.25,000/-. The disproportionate assets of her

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husband Shivaji Naidu to the tune of Rs.33,56,487/- were confiscated to the State Government.

2. The Applicant preferred Criminal Appeal no.254/2021, which is admitted. She was granted bail pending her Appeal.

3. Learned counsel for the Applicant states that her passport needs to be renewed. He further submitted that the Applicant's son is in Australia for studies and she intends to travel to meet her son, though it is not so mentioned in the present Application.

4. Learned counsel for the Applicant has filed affidavit of service on the Respondent No.2 the Passport Authority. Learned counsel for the Union of India opposed this Application by filing say. He submitted that there is a possibility that the Applicant may not be available at the time of final hearing.

5. I have considered these submissions. The Appeal is admitted in the year 2021 and it is not likely to be

decided in the near future. The property, which is subject matter of the Appeal, is already confiscated. The passport continued to remain with the present Applicant. She has not misused the same. Therefore, I do not see any reason not to grant permission for renewal of the passport.

6. In this view of the matter, the following order is passed :

ORDER

(i) The Application is allowed in terms of prayer clause

(a), which reads thus:

“a) That this Hon’ble Court may be pleased to permit the applicant to apply for regular passport/renewal of passport as per rules of passport Act with the validity period of ten years;”

(ii) Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)