

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

**INTERIM APPLICATION NO.1976 OF 2024
IN
CRIMINAL APPEAL NO.403 OF 2012**

Mohd Zuber A. Razak KhatriApplicant
Versus
State of Maharashtra & Anr. Respondents

Mr. Mayur Sosa, Advocate a/w. Raj Tamhankar for the Applicant.

Mr. Swapnil V. Walve, APP for the Respondent No.1-State.

Mr. Dashrath A. Dube, Advocate a/w. Rupesh Dubey for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 03rd JULY, 2024

P.C. :

1. The Applicant has preferred this Application for permission to renew his passport for ten years. The Applicant was the original accused No.1 in Sessions Case No.532/2004 along with Sessions Case No.933/2007 before the Additional Sessions Judge, Greater Mumbai at Sewree, Mumbai. The learned Judge vide his judgment and order dated 31.3.2012 convicted the Applicant and others for the

offences punishable under Sections 468 and 471 of IPC and sentenced them to suffer RI for five years each and to pay fine of Rs.15,000/- each and in default to suffer SI for one year each.

2. The Applicant has preferred Criminal Appeal No.403/2012 against that judgment and order. The Appeal is already admitted and it is pending since last more than ten years. The Applicant was already granted bail pending his appeal.

3. Learned counsel for the Applicant submits that the Applicant's son is studying in Georgia and, therefore, the Applicant wants to visit his son. For that purpose it is necessary for him to get his passport renewed.

4. Learned counsel for the Passport Authority of India as well as learned APP left the matter to be decided to the discretion of the Court.

5. I have considered these submissions. The Appeal is not likely to be decided in the near future. The Applicant's

desire to meet his son appears to be genuine. There is no reason as to why he cannot visit his son in Georgia. For that purpose it is necessary that his passport is renewed. There is no other offence pending against the Applicant. There are no allegations of misuse of liberty granted to him. Therefore, I am inclined to allow this Application.

6. Hence, the following order:

ORDER

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

(a), which reads thus :

‘a. That this Hon’ble Court be graciously pleased to allow the above application and give directions to the Respondent No.2 to allow the present applicant to renew his passport for ten years in the best interest of justice;”

(ii) Interim Application is disposed of accordingly.

PRADIPKUMAR
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DESHMANE
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by
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(SARANG V. KOTWAL, J.)