

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

**INTERIM APPLICATION NO. 3700 OF 2024
WITH
CRIMINAL APPEAL NO.806 OF 2013**

Nabilal Jilani Mulla Applicant

In the matter between

Nabilal Jilani Mulla Appellant

versus

State of Maharashtra and Anr. Respondents

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Mr. N.J. Patil a/w Amey Patil, Advocate for the Applicant/
Appellant.

Ms. Ranjana D. Humane, APP for the State/Respondent.

Mr. D.P. Singh for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th SEPTEMBER 2024

P.C. :

1. Heard.
2. This is an application for permission to get a passport. The Applicant was the accused in Special (ACB) Case No.5 of 2009 before the Special Judge under the Prevention of Corruption Act, 1988. Learned Judge vide its judgment and order dated 6th July

2013 convicted the Applicant for commission of offences punishable under Sections 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. The major sentence imposed on him was for One year besides imposition of fine. The Applicant has preferred Criminal Appeal No.806 of 2013 challenging the said judgment and order dated 6th July 2013. The said Appeal is already admitted on 31st July 2013. He was granted bail pending an Appeal. The Appeal has not reached final hearing stage and it is not likely to reach final hearing stage in the near future. In the meantime, the Applicant was waiting for his appeal to reach. Now the Applicant wants to go for Haj pilgrimage and for that purpose he needs passport. This is the first time he has applied for a passport but because of the pendency of the Appeal there is an impediment in issuance of passport in his favour. The learned counsel for the Applicant therefore prays for appropriate order so that the Applicant can get a passport.

3. Considering that the Appeal is not likely to be decided in near future and since the Applicant wants to go on Haj pilgrimage, I am inclined to permit the Applicant to make necessary

application which can be considered by the Passport Authorities. The learned counsel submitted that such application for issuance of passport is already made. Hence, the following order:-

ORDER

- (i) Respondent No.2 i.e. the Regional Passport Authority shall consider issuing passport to the Applicant according to Rules for a period of five years.
- (ii) Application is disposed of.

(SARANG V. KOTWAL, J.)