

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4167 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.367 OF 2023

Hitesh Natwarlal Baxi

.. Applicant

Versus

V. S. Bhosale,

Assistant Collector of Customs (P) and Ors.

.. Respondents

-
- Mr. Samir A. Vaidya a/w. Ms. Tejali Jagdhane and Lubdha Bhoir, Advocates for Applicant.
 - Ms. Sangita Phad, APP for Respondent No. 2.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2024

P.C.:

1. Heard Mr. Vaidya, learned Advocate for Applicant and Ms. Phad, learned APP for Respondent No.2. None present for Respondent No.1 despite being served.

2. By virtue of the Interim Application, a direction is sought to the Regional Passport Office to issue a fresh new passport to the Applicant for a period of ten years and also allow the Applicant to travel abroad from November – 2024 to March – 2025.

3. Mr. Vaidya would submit that the original passport of the Applicant was impounded and confiscated by Respondent No.1 as far back as in the year 1993 when he was intercepted at the Sahar International Airport and thereafter it is with Respondent No.1. He

would submit that the said passport was issued in the year 1993 or may be even before that and it has already outlived its life.

4. Mr. Vaidya would therefore submit that thereafter the Applicant was implicated in two cases one by the Enforcement Directorate and other case being the present case, viz. C.C. No.213/CW/1993 under Sections 135(1)(b) and 135(1)(ii) of the Customs Act, 1962 read with Section 13(2) of the Foreign Exchange Regulation Act, 1973 and 120(B) of the Indian Penal Code, 1860 with respect to the same cause of action. He would submit that by virtue of order dated 07.04.2002, Applicant was acquitted by the learned Additional Sessions Judge in Criminal Appeal No.148 of 2002. Copy of the said order is appended at Exhibit-C, page No.83 of the Criminal Application. He would submit that with respect to the same cause of action, the present proceedings have been invoked against the Applicant against which the present Criminal Application is now pending.

5. Mr. Vaidya would submit that in the interregnum, the Applicant desires to travel abroad for which he now seeks issuance of a fresh passport. He would draw my attention to paragraph No.5 of the Application wherein a specific averment is made that daughter of the Applicant is employed and residing in the United States of America. He would next submit that in paragraph No.7, averment is made to the

effect that daughter and grandchildren of the Applicant are residing in the United States of America and Applicant therefore desires to meet them. In that view of the matter, Applicant has filed this Application seeking directions. Respondents are directed to consider the same and file their Affidavit-in-Reply to the Application within a period of one week from today.

6. The Chief Government Pleader of Union of India shall ensure that adequate representation is made before this Court on behalf of Respondent No.1 when the present Interim Application is heard by this Court on the next adjourned date.

7. A server copy of this order shall be served on the Chief Government Pleader of the Union of India by the Advocate for Applicant.

8. Stand over to **11th November, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
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SAWANT

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