

V.A Tikam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VAISHALI
ANIL
TIKAM

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

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by VAISHALI
ANIL TIKAM
Date: 2024.11.28
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Hitesh Natwarlal Baxi

.. Applicant

Versus

V.S. Bhosale

Assistant Collector of Customs (P) & Ors.

.. Respondents

-
- Mr. Samir Vaidya a/w. Mr. Bhakti Rewale a/w. Ms. Vanita Shinde, Advocates for the Applicant.
 - Mr. Atul Surpande, Advocate for Respondent No.1.
 - Mr. D.P. Singh, Advocate for Respondent No.3.
 - Ms. D.S. Krishnaiyar, APP for the State.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 28, 2024.

P.C.:

1. Heard Mr. Vaidya, learned Advocate for the Applicant, Mr. Surpande, learned Advocate for Respondent No.1, Mr. Singh, learned Advocate for Respondent No.3 and Ms. Krishnaiyer, learned APP for the State.

2. Mr. Singh, learned Advocate appears for Respondent, who is arrayed as a party in the present application being Regional Passport Office, Mumbai. Principally, this Respondent has no objection for issuance of passport to Applicant subject to following the statutory

procedure for issuance of passport including police verification and/or any other procedure prescribed by law and the Applicant submitting his old passport.

3. To this submission of Mr. Singh, Mr. Vaidya would submit that previous passport of Applicant which was issued to him stood confiscated and seized by the Enforcement Agencies and is deposited in the custody of Esplanade Court in CC NO. 213/CW/1993. He would inform the Court that Applicant was intercepted at the Airport on 21st March, 1991 on which day, his passport was seized by the Custom Officers/Department and thereafter, it stood deposited in the trial Court in the above mentioned case.

4. Since Mr. Singh has raised a condition that submission of the previous passport will be required as per rules, it would be appropriate to ensure and confirm whether the earlier passport is in the custody of the Esplanade Court. Ms. Krishnaiyer, learned APP appearing on behalf of State is directed to take cognizance of this order and enquire with the Registry of the Esplanade Court as to whether the passport of Applicant viz. Hitesh Natwarlal Baxi, residing at G-4, Rishi Apartments, Opposite K.T. Nagar, Vasai (West), Dist. Thane is in the custody of the Esplanade Court in CC No.213/CW/1993 and apprise this Court accordingly. If it is confirmed that his passport is lying deposited in the Court and if the

Court has any reservation in returning the passport, an appropriate report be called for from the Registry of the Esplanade Court and filed by the learned APP so that appropriate orders can be passed.

5. Mr.Surpande, learned Advocate for Respondent No.1 i.e. Custom Department would inform the Court that he has no objection whatsoever to the Interim Application filed by Applicant subject to following the due process of law.

6. Stand over to 9 December, 2024, 'First on Board'.

[MILIND N. JADHAV, J.]