

**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

IN THE MATTER BETWEEN

Shri V. S. Bhosale, the Assistant Collector Customs(P), .Respondents
Bombay & anr.

AND

The Regional Passport Office, Mumbai .Respondent

Mr. Samir Vaidya a/w. Ms. Prachy Mody, Advocates, for the Applicant
Ms. D. S. Krishnaiyer, APP, for Respondent No. 2 – State
Mr. D. P. Singh, for the Respondent – Passport Office present

CORAM : MILIND N. JADHAV, J.

DATE : 19.12.2024

P. C.

1. Pursuant to the previous Order, Dr. Krishnaiyer, learned APP has placed on record letter dated 18.12.2024 addressed by the learned Chief Judicial Magistrate, Esplanade, Mumbai, with respect to the subject matter in question. The letter states that after a thorough search of the Muddemal Register and Record Books, it is seen that there is no entry of the old passport related to the C.C.No. 213/CW/1993 and concludes that passport of the Applicant has not been deposited in the Esplanade Court. In that view of the

matter, the said letter is taken on record and marked as “X” for identification.

2. Mr. Vaidya, learned Advocate for the Applicant draws my attention to ‘Exhibit – B’ of the Application which endorses the remark ‘to process the Application of the Applicant for issuance of passport and keep it on hold with a direction to submit court permission/NOC’. In view of the letter dated 18.12.2024, there can be no impediment to process the Application of the Applicant for issuance of the passport to him. The Court permission/NOC required by the concerned/appropriate authority/granting officer is given by this Court subject to following the due process of law as applicable for issuance of a fresh passport.

3. It is clarified that no opinion is expressed by this Court with respect to grant of permission to travel abroad in this Order. If the Applicant desires to travel abroad, it shall be open for the Applicant to make an appropriate Application to the appropriate Court in accordance with law. The Application stands disposed of in terms of prayer clause (a) except the bracketed portion which reads thus :-

“(a) This Hon’ble Court be pleased to direct the Regional Passport Office, Mumbai, to issue fresh/new passport to the Applicant for a period of 10 years (and be further pleased to permit the Applicant to travel abroad from November, 2024 to March, 2025 in the interest of justice.)”

4. Application is disposed in the above terms.

5. All concerned to act on an authenticated copy of this Order without insisting on a certified copy.

(MILIND N. JADHAV, J.)