



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.388 OF 2024

IN

CRIMINAL APPEAL NO.168 OF 2017

(Aniket s/o Shubashrao Kokate Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S. Rawate, Advocate for the appellant.
Mr. A.B. Badar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MAY 6, 2024.

Heard.

2. By this application, the appellant is seeking directions to issue passport to the appellant. As per the contention of the appellant he was prosecuted in Special Case No.10/2011 wherein he was sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs.1000/- for the offence punishable under Sections 452, 509, 323 of the Indian Penal Code as well as to suffer simple imprisonment of 6 months 15 days for the offence punishable under Section 3(1)(xi)(xb) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. The applicant has applied for issuance of passport but as crime is registered against him, the authorities are not issuing the passport to him. It is submitted that the applicant is a businessman and to avail the best opportunities of the business and investment he

has to visit the various countries, and therefore, he needs passport. Therefore, the authorities be directed to issue the passport in favour of him.

4. Learned APP strongly opposed the application on the ground that appeal is pending against the present appellant, if passport is issued to him, he would not be available for the purpose of disposing of the appeal. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the application as well as the paper book. It reveals that the applicant is convicted of the offence punishable under Section 452, 509 and 323 of the IPC along with the provisions of the Atrocities Act and the limited period punishment of 1 year imposed on him. As far as the apprehension of the State is concerned, some conditions can be imposed on the present appellant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The passport authority shall issue the passport as per the rules to the present appellant.

(ii) The appellant shall not leave India without prior permission of this Court.

6. The application is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)