



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

CRIMINAL APPLICATION NO.660 OF 2024

IN

CRIMINAL APPEAL NO.460 OF 2021

(Akshay s/o Sanjay Wadhonkar and ors. 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. Katarpawar, Advocate h/f Mr. R.P. Dhale, Advocate for the appellants.
Mrs H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 21, 2024

By this application, the applicant/appellant No.1 is seeking permission for issuance of passport and to travel abroad.

2. The appeal is preferred by the appellants against the order of conviction in Special POCSO Case No.98/2017 wherein they are held guilty of the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for one year each and to pay fine of Rs.1000/-. In default of payment of fine, they undergo simple imprisonment for one month.

3. Being aggrieved and dissatisfied with the said order and judgment of sentence, the appellants are preferred the present appeal.

4. It is the contention of the applicant that he is running business and for the business purpose he has to

visit Hong Kong to attend the meeting in the month of September i.e. from 23/09/2024 to 29/09/2024. He has also submitted the detailed report as well as the address wherein he is residing during his stay at Hong Kong. He further undertakes that as soon as meeting is over he would return back to India and will attend the proceedings.

5. Learned APP strongly opposed the application on the ground that if the applicant is permitted to travel abroad he would not be available for the purpose of the appeal and the progress of the appeal would be held up. In view of that, prays for rejection of the application.

6. I have heard learned Counsel for both the parties. Perused the application as well as the affidavit which is filed in support of the application. Considering the recitals of the affidavit as well as the documents on record it reveals that the applicant has to travel abroad to attend the meeting for the period from 23/09/2024 to 29/09/2024. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The Passport authority shall issue the Passport to the applicant in view of the rules and regulations.

(iii) The applicant is permitted to travel Hong Kong from 23/09/2024 to 29/09/2024.

(iv) The applicant shall furnish his cell phone number which he is intending to use when he is at Hong Kong.

(v) The applicant shall also furnish the detailed address of the place of his stay in the Hong Kong.

(vi) After returning he shall report to the Chandur Railway police station and the Police Station Officer shall record his presence and intimate this Court.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*