

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2402 OF 2025
IN
CRIMINAL APPEAL NO. 160 OF 2000**

Dattatraya Gulab Padale

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Ayush Kedia, Advocate for the Applicant (Through V. C.).

Mr. N. B. Patil, A.P.P., for the Respondent – State.

Mr. Vijay Killedar, Advocate for Respondent No. 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd NOVEMBER, 2025.

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P.C. :

1. Heard learned counsel for the Applicant, learned APP for the Respondent – State and learned counsel for Respondent No.2.
2. By this application, the Applicant is seeking issuance of passport.
3. It is contention of learned counsel for the Applicant that the Applicant has been convicted for commission of offence under Section 376 of the Indian Penal Code, 1860, (for short, “IPC”), and has been

sentenced to suffer rigorous imprisonment of seven years and to pay a fine of Rs.9,000/-. The Applicant wants to apply for issuance of passport. Though, the Applicant made an application before the Respondent No.2 – Regional Passport Office (for short, “Passport Authority”) having application reference No.22-0021077060, the application was rejected and not processed. The Respondent No.2 asked the Applicant to obtain the ‘NOC’ of this Court as a criminal case is pending against him. Hence, requested to allow the application.

4. It is contention of learned counsel for the Respondent No.2-Passport Authority that the Applicant is convicted and his Appeal is pending before this Court. Hence, as per the provisions of the Passport Act, “NOC” of this Court is required.

5. I have heard both learned counsel.

6. The Applicant has been convicted under Section 376 of the IPC. He has preferred an appeal which is admitted and he has been released on bail. Considering these facts, I pass following order:

ORDER

- i. The Application is allowed.

- ii. The Applicant shall file a fresh application before the Passport Authority for issuance of passport.
- iii. The Respondent No.2 – Passport Authority shall consider about the issuance of passport for **five** years as per the provisions of the Passport Act.
- iv. The interim application stands disposed off.

7. In the aforesaid terms, the application is allowed and accordingly disposed off.

(SHIVKUMAR DIGE, J.)