



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4958 OF 2024

IN

CRIMINAL APPEAL NO.1301 OF 2003

Bharat Shantilal ShahApplicant

In the Matter in Between:

1. Bharat Shantilal ShahAppellant

Vs.

1. The State of Maharashtra

2. Passport Authority of IndiaRespondents.

Ms. Chandana Salegaonkar, for Applicant.

Mrs. Kranti T. Hiwrale, APP for Respondent No.1-State.

Mr. S.K. Halwasia, for Respondent No.2.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 27th JANUARY 2025.

P.C.:-

1. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks a direction to the Respondent No.2-Passport Authority to issue a fresh passport to the Applicant for a period of 10 years.

3. Perused the Application. The Applicant was arraigned as accused No.3 in the MCOC Case No.4 of 2001. After a full-fledged trial, the Applicant came to be acquitted by the learned Special Judge vide judgment and order dated 1st October 2003 of some of the charges. However, the Applicant was convicted for the offence punishable under Section 118 of the Indian Penal Code in relation to offences punishable under Sections 120-A and 302 of the Indian Penal Code and provisions of the Maharashtra Control of Organized Crime Act, 1999 (for the sake of brevity referred as “MCOC Act”). Section 118 of the Indian Penal Code relates to concealing design to commit offences punishable with death or imprisonment of life.

4. Aggrieved by the said judgment and order, in as much, as it convicts him, as stated aforesaid, the Applicant has filed the aforesaid Appeal in this Court. This Court vide order dated 11th November 2003 admitted the said Appeal and vide order dated 22nd February 2010, suspended the sentence awarded to the Applicant. It appears that the State has also filed an Appeal challenging the order of acquittal of the Applicant. Both these Appeals are pending before this

Court.

5. It appears that the Applicant is required to travel overseas for business purpose. It also appears that the Applicant's passport has been renewed on six occasions. All the orders permitting to renewal of passport are annexed to this Application. It is not in dispute that the Respondent No.2-Passport Authority was directed to renew the Applicant's passport on earlier occasions on terms and conditions stipulated in the order dated 14th September 2011 and other orders.

6. Considering the aforesaid, we do not see any impediment in allowing the Application to the extent, that we direct the Respondent No.2-Passport Authority to issue a fresh passport to the Applicant for the period of 5 years in accordance with the Passport Act, 1967 and the Rules thereunder.

7. Needless to state, that the said direction is subject to the condition that whenever the Applicant intends to travel overseas, he

shall give intimation to the Respondent No.1-the Assistant Commissioner of Police, DCP, CID, Mumbai regarding his travel plans and shall also give intimation of his return.

8. The Application is allowed in the aforesaid terms and disposed of.

9. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)