

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

Interim Application No. 5438 of 2024
In
Application for Leave to Appeal No. 121 of 2015

Ashwin Bhole ... Applicant
V/s.
Kanhya Khetashi Maheshwari and ors. ... Respondents.

Mr. Tushar Sonawane	Advocate for the Appellant in ALP No.121/2015.
Ms. Pranita P. Hingmire	Advocate for the Applicant in Interim Application.
Mr. D.P. Singh	Advocate for Respondent Nos.3 and 4.
Ms. Sangeeta E. Phad	APP for the State.

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CORAM : S.M. MODAK, J

DATE : 23rd June 2025.

P.C. :

Heard learned Advocate Ms. Hingmire for the Applicant-original Respondent-acquitted accused, Mr. Sonawane, the learned Advocate for the Appellant-Complainant and Mr. Singh, the learned Advocate appearing for the Regional Passport Office.

2. Today, the copy of passport which expired on 1st April 2024 is taken on record and marked as annexure 'X'. So also copy of order passed by the Court of Additional Chief Judicial Magistrate, Nashik in Summary Case No.304165/2012 is annexed. The present

applicant is an accused in that case instituted under Section 138 of the Negotiable Instrument Act. There is a prayer for renewal of passport.

3. According to Mr. Sonawane, the request is to pass appropriate order whereas as per the rules there is no need for taking direction from the Court because such direction is required only when case falls under the provisions of sub-section 2 of Section 6 of the Passport Act. Clauses (e) and (f) are relevant. They talk about when there is a conviction for a period of two years and above and when criminal case is pending, in those contingencies direction is required. On the basis of instructions, he submitted that in this case direction is not required. This is an appeal against judgment of acquittal.

4. If it is so, the passport authorities are at liberty to take decision as per the rules. Hence, the application is disposed of.

5. Passport authorities to process the application and to deal with it as per the Rules. During police verification by the passport authorities, if any other offence is disclosed, in that eventuality, the Applicant to comply with the provisions of law.

6. It is true that this Court has imposed a cost of Rs.3,000/- on the last date. On the basis of oral request, cost is waived.

(S.M. MODAK, J.)