

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

Criminal Application No.520 of 2025

Mr. Mihir Rajendra Jain ... Applicant
V/s.
The State of Maharashtra ... Respondents.

Mr. Siddhesh Samel	Advocate for the Applicant.
Ms. R.S. Tendulkar	APP for the State.

CORAM : S.M. MODAK, J

DATE : 15th July 2025.

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P.C. :

Heard learned Advocate for the Applicant and the learned APP.

2. The Applicant applied for no objection from the trial Court for renewal of the passport for the period of 5 years. It was rejected by the Court of Additional Chief Judicial Magistrate, Girgaon as per order dated 3rd March 2025. It was rejected only for the reason that the crime is of the year 2014 for the offences under Section 294 of the IPC and the charge-sheet is not filed.

3. In fact learned Judge erroneously rejected the application. In fact when there is no charge-sheet for more than 11 years, the learned Judge could have verified from the police about the status of that FIR. It is neither done nor the prayer is considered as per the merits.

The order needs to be set aside.

4. During hearing I have verified from the learned APP about the stage of investigation in that FIR bearing No.347/2014. Learned APP submitted a Report to the Court sent by V.P. Marg Police Station dated 15th July 2025. It is accompanied by certain photographs showing condition of record. It is in a pitiable condition. The report mentions the record was effected by the termites. Even the FIR is not traceable, forget the case of filing of charge-sheet. The report is taken on record marked as Annexure-X. **If the police could not take a decision for all 11 years, there is a need for this Court to make an observation that in such a situation the police are required to take a decision about what should be done for such an FIR.** There must be certain office procedure. They are expected to follow it. The reason is as and when there is an occasion for the Petitioner to apply with the Government Authorities, such an FIR comes in the way.

5. There is no charge-sheet against the accused. The provisions of Section 6(2) of the Passport Act will not come into picture. So prayer for issuance of passport needs to be accepted. It can be for a period of 5 years. Hence, the following order:-

ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 3rd March 2025 is set aside.

- (iii) The passport authorities to renew the passport of the Petitioner for a period of 5 years subject to compliance of the rules including ascertaining whether any other police case is pending.

6. Writ Petition stands disposed of.

(S.M. MODAK, J.)