



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

CRIMINAL WRIT PETITION NO.524 OF 2025

Atul s/o Ramdasji Patil,
Age – 58 years, Occupation – Retired,
R/o. Master Colony,
Sawangi Meghe,
Wardha, District Wardha.

...PETITIONER

VERSUS

- 1) State of Maharashtra,
through P.S.O., P.S.
Sawangi Meghe, District Wardha
- 2) Regional Passport Officer,
CGO Compld B-Block,
Seminary Hills Road,
Seminary Hills, Nagpur - 440006

...RESPONDENTS

Mr. M.V. Rai, Advocate for the petitioner.
Ms T.H. Udeshi, APP for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : AUGUST 07, 2025.

ORAL JUDGMENT :

RULE. Rule is made returnable forthwith.

2. Heard finally with the consent of the learned Counsel for both the parties.

3. By this writ petition, the petitioner has challenged the order dated 17/05/2025 passed by the Additional Sessions Judge, Wardha in Special Case No.18/2015 thereby rejecting the application of the present petitioner for grant of No Objection Certificate for renewal of the passport.

4. The present petitioner is the accused who filed an application for permission to issue NOC for the renewal of the passport from the Passport authority on the ground that his daughter is taking education in the Netherland and he has to settle the marriage of his daughter by visiting at Netherland. He has applied for the Passport; however, as the proceeding is pending against him, the Passport authority has not issued any passport and will not issue the passport without the permission of the Court. He has pleaded that he is a Government servant having goods at Wardha and he will not misuse the liberty and he is ready to abide by all the conditions.

5. Learned APP strongly opposed the said contention on the ground that initially he has obtained the permission from the Court to obtain the passport. He obtained the Passport, travel abroad and thereafter has not attended a single date before the Court. She further invited my attention towards the roznama and submitted that on the second occasion also, he has obtained the permission for renewal of the

passport but he has not attended the Court. Thus, considering the conduct of the said petitioner the application is rightly rejected by the learned Sessions Judge.

6. I have heard learned Counsel for both the parties. Perused the documents on record as well as the roznama. It appears that the wife and daughter of the present petitioner are having passports. The daughter of the present petitioner is a student of University at Netherland and pursuing her studies. Now, the petitioner wants to visit the said country for performing the marriage of the daughter who is studying and taking education there. Even after considering the reasons mentioned in the application is reasonable one but considering the conduct of the petitioner that he has not shown any remorse to the orders of the Court though he has contended in earlier application that he is ready to abide by the conditions, but the conduct shows that he has not attended the proceeding before the Court. At this stage, only the prayer is to the extent of issuing the No Objection Certificate for renewal of the passport. Considering the limited prayer and this aspect can be considered by permitting the present petitioner to travel abroad. At this stage, the prayer of the present petitioner deserves to be allowed considering it is his right to travel abroad. Accordingly, I proceed to pass the following order:

- (i) The writ petition is allowed.
- (ii) The respondents shall process the application of the petitioner for renewal of the passport.
- (iii) The trial Court while considering the application for travel abroad shall consider the aspect of the non-attendance of the petitioner before the Court and the petitioner shall attend the proceedings before the trial Court on all the dates till he files an appropriate application for seeking permission to travel abroad.
- (iv) The trial Court shall consider the application in the light of the facts as to the conduct of the present petitioner before the Court.

7. The writ petition stands disposed of. Rule made absolute in the aforesaid terms.

(URMILA JOSHI-PHALKE, J.)

**Divya*