



BA-19-2024 - Corrected

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

CRIMINAL APPLICATION [APPP] NO. 543 OF 2026

IN

CRIMINAL APPLICATION [B.A.] NO. 19 OF 2024

Rahul S/o. Kamalkumar Jain

-- VERSUS --

Director General of Goods and Service Tax Intelligence

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. H.J. Khandwani, Advocate for the Applicant.

Mr. Kunal Nalamwar, Advocate for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 02, 2026.

Heard.

2. The learned counsel for the Non-applicant has filed its reply. It is taken on record.

3. The present application is filed for relaxation of condition Nos.4 and 5 of the order dated 25/01/2024. The following are the conditions:-

“(4) The applicant shall surrender his passport before learned Judicial Magistrate First Class, Nagpur within a week from the date of his release from the jail.

(5) The applicant shall not leave the jurisdiction of the Nagpur district without prior permission of the Court.”

4. The learned counsel for the applicant submits that, the applicant's passport has expired,

and therefore, in order to renew the same, he may be handed over the said passport, so that, he can apply before the Competent Authority for renewal. As soon as he renews the same, he will surrender the renewed passport before the learned Judicial Magistrate First Class, Nagpur. He further submits that so far as the condition No.5 is concerned, he shall be permitted to leave the jurisdiction of the Nagpur District as the prosecution is pending and only a show-cause notice is issued, and therefore, he submits that by imposing such condition, no purpose would be served. He further submits that, he would be readily available as and when called by the concerned Court, and therefore, he submits that both the conditions be relaxed.

5. The learned counsel appearing for the Non-applicant by filing reply opposes the application and submits that there is every likelihood that the applicant will flee from India. He further submits that the applicant himself has mentioned that he wanted to go to Dubai, and therefore, for that purpose, he wanted to renew his passport, and therefore, he submits that the condition Nos.4 and 5 may not be relaxed.

6. I have considered the rival submissions. It appears that applicant's passport had expired on 02/11/2024, however, as the applicant had

surrendered his passport before the learned Judicial Magistrate First Class, Nagpur, he was not able to renew the same. No prejudice would be caused to the non-applicant, if the applicant is permitted to renew his passport. It is further to be noted that so far as condition No.5 is concerned, considering the fact that the prosecution is pending and only show-cause notice is issued, even this condition can be relaxed, which will not be a hurdle for trial.

7. Hence, considering the above facts and circumstances of the case, I am inclined to relax both the conditions, however, with a stipulation that, as soon as, the petitioner renews the passport he should surrender it before the learned Judicial Magistrate First Class, Nagpur, on the next day after it is received by him. Therefore, learned Judicial Magistrate First Class, Nagpur, is directed to hand over his passport for the purpose of renewal. Needless to mention that, relaxation of condition No.5 does not mean applicant is permitted to leave India. It is for the competent Court to decide the same, in case, petitioner apply. The application is **allowed** in above terms.

[M.M. NERLIKAR, J]