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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

ON THE 18th OF MARCH, 2024

MISC. CRIMINAL CASE No. 9906 of 2024

BETWEEN:-

**MAHESH KUMAR HARIYANI S/O LATE SHRI HARIRAM
HARIYANI OCCUPATION: BUSINESS 23, SADHU NAGAR
INDORE (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI MUKUL BHUTDA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH P.S. SANWER (MADHYA PRADESH)**

.....RESPONDENT

**(BY SHRI KAPIL MAHANT, PANEL LAWYER APPEARING ON BEHALF OF
ADVOCATE GENERAL).**

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*This application coming on for admission this day, the court passed
the following:*

ORDER

1. This petition has been filed by the petitioner under Section 482 of the Cr.P.C., against the order dated 06.01.2024 passed in S.T. No.20/2022 by the Additional Sessions Judge, Sanwer, District-Indore whereby, the petitioner's application for renewal of his passport has been rejected on the ground that the charges have been framed against him under Sections 420, 465, 120-B r/w Section 468 r/w Section 120-B and 471 r/w Section 120-B, Section 465 r/w Section 120-B, Section r/w Section 120-B of the Indian Penal Code, 1860.

2. Counsel for the petitioner has submitted that the FIR in the present case was lodged in the year 2003 and it took around more than 10 years for the

prosecution to file the charge sheet and on the ground that since the charges have been framed for the above mentioned offences, looking to the nature of the offence, no case for renewal of the passport is made out. Counsel has further submitted that the validity of the passport of the petitioner was expired on 23.1.2023, and since the petitioner wanted to renew his passport so that he can travel abroad, if the occasion arises. Thus, the application ought to have been allowed as the charge sheet itself has been filed after more than ten years.

4. Counsel for the respondent/State has opposed the prayer.

5. On due consideration of the rival submissions and on perusal of the documents filed on record, as also the impugned order dated 06.01.2024, this Court is inclined to allow the present petition as no justification appears to be available to reject the aforesaid prayer, which is only to renew the passport and not to travel abroad from Indore.

6. In view of the same, the impugned dated 06.01.2024 is hereby set aside and the application filed by the petitioner is hereby allowed. It is directed that if an application for renewal of the passport is filed by the petitioner before the lower court, the same shall be decided by the concerned authority in accordance with law.

7. With the aforesaid, the petition stands *disposed of*.

(SUBODH ABHYANKAR)
JUDGE