


MHKO110007322024 	<b><u>R.C.C. No. 46/2024</u></b> State of Maharashtra Vs. Aswajit Goutam Pawar
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**ORDER BELOW EXH. 15**

The present application is filed by applicant/accused Ashwajit Goutam Powar to sought permission to apply for passport.

02. The applicant contended that, he has been charge-sheeted in R.C.C. No. 46/2024 for the offence punishable under Section 15 and 19 of Environment(Protection)Act, 1986 alongwith the Noise Pollution(Regulation and Control) Rules, 2000 which is pending in this court. He is resident of Peth-Vadgaon, Tal. Hatkanangale, Dist. Kolhapur. Due to company meeting, accused wants to go abroad. The accused has applied in passport office for issuance of passport. However, it has been disclosed that there is a pending criminal case on his name, therefore, he wants no objection from the Court for getting passport. He further submitted that, after return from the abroad, he present in the Court on every date and follow all conditions imposed on him. Hence, he prayed to allow the present application.

03. The learned APP has filed his say overleaf of the application and strongly resisted the application by contending that, present matter is pending for presence of accused, therefore, it is necessary to secure presence of accused. Present application is formal in nature, accused does not mention where he is going abroad and where he will stay there. If present application is

allowed, matter will be pending due to absence of accused. Hence, for the reasons stated in his say, he prayed to reject the application.

**04.** Having heard the rival submission and considering and after perusal of record, admittedly, offence punishable under Section 15 and 19 of Environment(Protection)Act, 1986 alongwith the Noise Pollution(Regulation and Control) Rules, 2000 is levelled against present accused. Right to freedom which guaranteed by Article 19 as well as Article 21 of The Constitution of India. As to visit abroad VISA is required. If the accused is ensuring his presence before the Court on the dates of trial and will not protract the proceeding of this matter on the reason that he went abroad, then accused can be granted permission.

**05.** Accused should inform the Court or take prior permission of the Court after receipt of passport. This Court does not have any objection to grant of passport in name of accused. Further, as per the provisions of Passport Authority Act, 1967 the competent authority may grant or reject the application of accused on any other ground as it deem fit. This Court does not have any objection if it grants a passport in name of accused for one year as considering the pendency of the case and its stage. Hence, I pass following final order-

### **ORDER**

1. Present application (Exh. 15) is allowed.
2. The applicant/accused Ashwajit Goutam Powar is permitted to apply for passport.

3. The learned counsel for the applicant/accused shall proceed with the case in absence of accused and shall gave undertaking to that effect in this case.
4. The applicant/accused shall take the permission from court before going to abroad or before applying for VISA.
5. Accused shall remain present in the Court during course of trial and when directed.

**Date: 16/03/2026**  
**Peth-Vadgaon.**

**( J. N. Bhasme )**  
**I/c. Judicial Magistrate First Class,**  
**Peth-Vadgaon.**