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| MHPU250037022023<br> | <b>R.C.C./646/2023</b><br>The State of Maharashtra Through<br>Otur Police station<br>Vs.<br>Salman Salim Sayyed alias Salman<br>Sayyed alias Rohan Shaha alias<br>Hiren Shaha (Cr PC 299<br>Absconding) |
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**ORDER BELOW EXH. 36 IN R.C.C. 646/2023**

The present application has been filed by the accused no. 4 Sayed Owais Zulqurnain @ Rahul Mehra for obtaining No Objection Certificate and for necessary directions to Passport Authority, Pune for issue of passport. Ld. APP filed her say at Exh. 39.

2. Read the application and say. Heard Ld. Advocate for the accused and Ld. APP.

3. Ld. Advocate for the accused submitted that, the accused is arraigned for the offence punishable under Sections 420, 406 & 34 of Indian Penal Code & Section 66(D) of Information Technology Act. It is further submitted that accused being a permanent resident of Lotus Apartment House no 0207/02 Flat no. 406, Sector 16A, Near Minatai Takrey Udyam, Nerul West, VTC: Navi Mumbai, PS: Nerul Node-3, District: Thane, State: Maharashtra, may have to travel abroad for his job purposes and accordingly applied for issue of passport. However, his application for issue of passport was rejected on the ground that, R.C.C. No. 646/2023 is pending against him. Therefore, he has filed the present application for No Objection from this Court for issue of the passport.

4. Per contra, the Ld. APP argued that, if permission as prayed is granted there is a possibility that the accused may not be present before the Court for the trial. Hence, prayed that application be rejected.

5. On perusal of record, it appears that the accused is a resident of Lotus Apartment House no 0207/02 Flat no. 406, Sector 16A, Near Minatai Takrey Udyam, Nerul West, VTC: Navi Mumbai, PS: Nerul

Node-3, District: Thane, State: Maharashtra, and he is a citizen of India. He has produced the copy of letter dated 10/04/2026 and his Aadhar Card on record. Alongwith the present application he has produced his affidavit on oath in which he has contended that he is ready to obey all the conditions to be imposed by this Court.

6. Granting of No Objection certificate *per se*, does not itself give accused permission to travel abroad. He is liable to seek permission of this Court before traveling. If merely, on the ground that, a criminal case is pending against him the present application is rejected, he will be deprived of the right to obtain a passport. Pertinently, the accused has till date duly complied with his bail conditions by remaining present personally or through his advocate. Therefore, considering the facts and circumstances, it will be reasonable to grant him No Objection Certificate for issue of passport.

7. In view of the above discussion and notification dated 10<sup>th</sup> October 2019 in regards to Section 6(2)(f) of Passport Act, 1967 it will be appropriate to allow the present application subject to conditions. Hence, the following order.

### **ORDER**

1. Application (**Exh. 36**) is allowed.
2. Accused no. 4 Sayed Owais Zulqurnain @ Rahul Mehra Lotus Apartment House no 0207/02 Flat no. 406, Sector 16A, Near Minatai Takrey Udyam, Nerul West, VTC: Navi Mumbai, PS: Nerul Node-3, District: Thane, State: Maharashtra, is granted No Objection Certificate for issue of his passport for a period of 3 years subject to the rules of Passport Authority and following conditions.
  - a. He shall not leave the country without obtaining the prior permission from this Court.

- b. He shall furnish the itinerary of his travel schedule and necessary documents before leaving the country.
3. Issue letter to concerned passport authority.
- Place : Junnar  
Date : 15/07/2026
- Sd/-  
(S.S. Jain)  
Judicial Magistrate First Class,  
Junnar