


MHRG030000862020 	Received on	:	21/12/2015		
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	Decided on	:	02/04/2026		
	Duration	:	Y.	M.	D.
			10	03	12

(Uran Court R.C.C No. 227/2015)
(Registered in this Court again on 01/10/2020)

	<p><u>IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RAIGAD, AT ALIBAG</u> (Presided Over by M. B. Attar)</p> <p>Date : 02/04/2026</p> <p>Regular Cri. Case No. 83/2020 Exh. No. 105/B</p> <p>(CNR No. MHRG030000862020)</p>
	Section 15 of the Environment (Protection) Act, 1986 read with provisions of Rules 6 and 8 of The Noise Pollution (Regulation and Control) Rules, 2000.
Complainant	Shri. Sheshrao Baburao Suryawanshi, Asst. Police Commissioner, Panvel
Represented by	Ld. A.P.P. Shri. Prasad Patil
Accused	Mahesh Ratan Baldi Age : 58 years President, Shri Ganeshotsav Mandal, Swami Vivekanand Chowk R/o Nagaon Road, Uran, Tal. Uran, Dist. Raigad.
Represented by	Ld. Advocate Shri. Ankit Bangera

PART 'B'

Date of Offence	:	27/09/2015
Date of complaint	:	21/12/2015
Date of Framing of Charge	:	24/12/2025
Date of Commencement of evidence	:	24/02/2022
Date on which Judgment is reserved	:	05/03/2026
Date of the Judgment	:	02/04/2026
Date of the Sentencing Order, if any	:	----

Accused Details

Rank of the accused	Name of accused	Date of Arrest	Date of Release on bail	Offence charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.PC.
1.	Mahesh Ratan Baldi	No arrest	--	Offence p/u/sec. 15 of the Environment (Protection) Act, 1986, r/w Rules 6 and 8 of the Noise Pollution (Regulation and Control) Rules, 2000.	Accused is acquitted	----	----

LIST OF PROSECUTION /COMPLAINANT / DEFENCE / COURT WITNESSES**A. Prosecution :**

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
CW-1 (Exh.19)	Sheshrao Baburao Suryawanshi	Complainant

CW-2 (Exh.42)	Navnath Krushna Gawand	Panch witness
CW-3 (Exh.72)	Kashinath Anantrao Mane	Police witness
CW-4 (Exh.79)	Vaibhav Ravsaheb Mane	Police witness

B. Defence Witnesses, If any :

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
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C. Court Witnesses, If any :

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
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LIST OF COMPLAINANT / PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1.	Exh. 20 (CW-1)	Report
2.	Exh. 21 (CW-1)	Show Cause Notice
3.	Exh. 22 (CW-1)	Office copy of show cause notice
4.	Exh. 23 (CW-1)	List of documents
5.	Exh. 43 (CW-2)	Noise Level Measurement Panchnama
6.	Exh. 49 (CW-2)	Noise Level Measurement Panchnama
7.	Exh. 50 to 54 (CW-2)	Slips / Reports

B. Defence :

Sr. No.	Exhibit Number	Description
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C. Court Exhibits :

Sr. No.	Exhibit Number	Description
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D. Material Objects :

Sr.No.	Exhibit Number	Description
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JUDGMENT

(Delivered on 02/04/2026)

01. The accused is being tried for the offence punishable under Section 15 of the Environment (Protection) Act, 1986, read with Rules 6 and 8 of the Noise Pollution (Regulation and Control) Rules, 2000.

The prosecution case, in brief, is as follows :

02. The accused is the President of Shree Ganesh Utsav Mandal, Swami Vivekanand Chowk. At the time of the Ganpati immersion procession, he had applied for a noise permit, which was granted subject to the condition that there would be no

violation of the prescribed rules. On 27/09/2015, at about 10:45 p.m., during the Ganpati immersion procession at Ideal Bazar, Uran, the procession of Shree Ganesh Utsav Mandal was found to be in violation of the said rules. The noise level, when measured, was recorded at 92.7 decibels, which exceeded the prescribed limit. The P.S.I. Mane measured the said noise level in the presence of panch witnesses with the help of a noise level measuring device and prepared a report accordingly. Thereafter, a notice dated 01/10/2015 was issued to the accused. However, the accused failed to provide any explanation, and consequently, a complaint came to be filed under Section 19 of the Environment (Protection) Act, 1986.

03. My learned predecessor issued process against the accused, pursuant to which the accused appeared before the Court. The evidence of the complainant and other prosecution witnesses was recorded under Section 244(1) of the Code of Criminal Procedure.

04. Upon appreciation of the material on record, I found that there were sufficient grounds to frame charges against the accused. Accordingly, charges were framed. The same were read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

05. The incriminating evidence appearing against the accused was put to him during the recording of his statement

under Section 313 of the Code of Criminal Procedure. The defence of the accused is one of total denial and false implication.

06. Upon considering the submissions advanced by the learned A.P.P. for the State and the learned defence counsel, the following points arise for my determination. My findings on each of the points are as stated below, for the reasons recorded hereinafter.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution proves that, on 27/09/2015 at about 10:45 p.m., at Ideal Bazar, Uran, during the Ganpati immersion procession organized by Shree Ganesh Utsav Mandal, the accused caused noise pollution by using musical instruments, resulting in the noise level being recorded at 92.7 decibels, which exceeded the prescribed limit, and thereby committed an offence punishable under Section 15 of the Environment (Protection) Act, 1986?	No.
2.	What order?	The accused is acquitted

:: REASONS :

AS TO POINT NO. 1 :

07. In order to prove the charge against the accused for violation of the rules under the Noise Pollution Act, the

prosecution has examined a total of four witnesses.

08. The key witnesses are the complainant and the witnesses who recorded the noise levels on the spot. Therefore, I will refer to the evidence of the complainant and the witnesses.

09. In order to prove the charge, the complainant, Sheshrao Baburao Suryawanshi (CW-1), deposed that from the year 2015 to 2016, he was holding additional charge as the Sub-Divisional Police Officer in the Port Division. On 01/10/2015, P.S.I. Kashinath Mane of Uran Police Station submitted a report (Exh. 20) regarding the action taken for violation of the Noise Pollution Act.

10. Along with the said report, documents relating to the action taken by Shri Mane, such as papers, panchanamas (spot inspection records), decibel meter readings, and statements of witnesses, were received. He examined those documents and, on the same day, issued a show-cause notice (Exh. 21) under the Noise Pollution Act to the accused, being the President of the Ganesh Festival Committee. The acknowledgment (Exh. 22) has been filed on record. The accused did not submit any explanation to the said notice. Therefore, on 19/12/2015, the present complaint came to be filed.

11. He further deposed that, as per the directions of the Hon'ble High Court in Writ Petition No. 173/2010, guidelines regarding noise pollution were issued and were required to be

strictly followed. While granting permission for the use of sound systems, the accused had been informed in writing about the applicable terms and conditions. Despite this, on 27/09/2015, during the Ganesh Festival procession, the accused, being the President of the Ganesh Festival Committee at Swami Vivekanand Chowk, Uran, caused dhol-tasha (drums) to be played loudly at Ideal Chowk at around 10:45 p.m., thereby violating the condition that musical instruments should not be played after 10:00 p.m. At that time, the decibel reading was recorded at 92.7, which exceeded the permissible limit for a residential area.

12. Upon perusal of the evidence of the complainant, it appears that he filed the complaint against the accused for violation of the rules under the Noise Pollution Act, which is punishable under Section 15 of the Environment (Protection) Act, 1986. It further appears that the present complaint was filed on the basis of the report submitted to him by P.S.I. Kashinath Mane. It also appears that the complaint is based on the documents submitted along with the said report, particularly regarding the noise level readings recorded at the spot. Therefore, it is necessary to refer to the evidence of P.S.I. Kashinath Mane (CW-3), who has been examined as by the prosecution.

13. Kashinath Anantrao Mane (CW-3) deposed that on 27/09/2015, he was serving at Uran Police Station as a police officer. On that day, a public Ganesh Festival immersion procession was scheduled to take place. As per the orders of the Senior Police

Inspector, Shri. Galande, a Noise Pollution Control Squad was constituted for recording the noise pollution levels. He was appointed as the head of the said squad. The other members of the squad included Police Constable Mane, Police Constable Dharkar, and Police Constable Mohite. Police Constable Vaibhav Mane was assigned the duty of operating the sound-measuring instrument.

14. The Ganesh immersion procession was passing through Uran town. Prior to the procession, the Senior Police Inspector had conducted meetings with various Ganesh mandals within the jurisdiction of Uran Police Station and appealed to them to avoid causing noise pollution during the procession. Several mandals responded positively to the said appeal.

15. However, on the same day, information was received that loud dhol-tasha drums were being played at Rajpal Naka, Devulwadi Naka, Apna Bazaar, and Kamatha Road, thereby causing noise pollution. Accordingly, under the orders of the Senior Police Inspector, they proceeded to the said locations along with two panch witnesses to measure the sound levels and to conduct a panchanama in case any violations were found.

16. At about 10:30 p.m., the squad reached Fresh Corner, Uran. At that location, the Siddhivinayak Ganeshotsav Mandal, Satrahati, Uran, whose President was Kashinath Patil, had engaged a dhol-tasha troupe belonging to Dilip Umbarkar. The

said troupe was playing drums loudly, thereby causing noise pollution. They informed the President of the mandal and the leader of the drum troupe that the sound level was excessive, that it was causing noise pollution, and that it was illegal. However, they did not comply with the instructions. Thereafter, Police Constable Vaibhav Mane measured the sound levels using a sound-measuring device, and the readings were found to be above the limits prescribed by law.

17. Thereafter, the squad proceeded to Ideal Bazaar, where the Shri Ganeshotsav Mandal, Swami Vivekanand Chowk, whose President was Mahesh Ratan Baldi, had engaged a dhol-tasha troupe belonging to Omkar Gharat. The troupe was producing loud sound, thereby causing noise pollution. Despite being instructed to reduce the noise, they failed to comply. The sound levels were subsequently measured by Police Constable Vaibhav Mane. The sound level was above the prescribed limit therefore a proposal was submitted to the Assistant Commissioner of Police, Port Division, Uran, for further action.

18. Upon perusal of the evidence, it appears that the witness was the head of the squad responsible for recording noise pollution at the spot. It further appears from his evidence that it was the day of the Ganesh Festival, during which the immersion of Lord Ganesha's idols was taking place. Various processions were proceeding towards the immersion site, and at that time, noise pollution was being caused by several dhol-tasha troops present at

the locations.

19. It further appears from the evidence of witness that he did not himself record the noise pollution levels; the sound-measuring device was operated by Police Constable Vaibhav Mane. Therefore, the evidence of Vaibhav Mane is crucial to prove the charges against the accused. I will accordingly evaluate his evidence.

20. In order to prove the charge against the accused, Vaibhav Ravsaheb Mane (CW-4), who was operating the machine for recording the noise levels, deposed that on 27/09/2015, he was serving as a Police Constable at Uran Police Station. On that day, Ganesh Visarjan was taking place, and various mandals were playing dhol-tasha (traditional drums). He stated that he had been assigned as a member of the Noise Pollution Control Squad in the capacity of Sound Level Meter Operator. He was on duty for the entire day and night as the sound meter operator.

21. On that day, the squad proceeded to various locations. At around 10:45 p.m., they reached Ideal Bazaar, where the Shree Ganeshotsav Mandal, under the presidency of Mahesh Baldi, was playing dhol-tasha. The President and members of the mandal were informed that the sound of their drums was excessive and should be reduced. However, they did not comply and continued playing.

22. A sound reading was taken, which showed 108.4

decibels. Three printouts of the reading were prepared and signed by the panch witnesses. One printout was offered to the Ganeshotsav Mandal, but they refused to accept it. One printout has been attached to the charge-sheet. He further deposed that the contents of Exh. 51 are true and correct. Thereafter, the squad proceeded to another Ganeshotsav Mandal. He also relied upon Exh. 52 to 54, which were the receipts taken from the machine recording the noise pollution.

23. He further deposed that the entire incident was videographed, and a CD regarding the incident was prepared. He also stated that the noise pollution levels exceeded the permissible limits for a residential area. On that day, the noise level should have been 55 decibels during the daytime and 45 decibels at night. The accused was the head of the Ganeshotsav Mandal; therefore, the prosecution was initiated against him.

24. Upon perusal of the evidence of the witness, it appears that he is both an eye-witness and the person who recorded the noise levels at the spot, making his evidence highly relevant. The witness relied upon the reports generated from the sound-measuring device. It appears that he had filed five reports, namely Exh. 50 to 54.

25. Perusal of Exh. 51 shows that the noise level was recorded at Ideal Bazar, with an Leq reading of 108.4 decibels. As per the Schedule of Noise Pollution Rules, the permissible noise

level for a residential area is 55 decibels during the daytime and 45 decibels at night. Therefore, the report recorded by CW-4 indicates that on 27/09/2015, at approximately 10:45 p.m., the noise level at Ideal Bazar was 108.4 decibels, significantly exceeding the prescribed limits. Further, perusal of reports on record shows recordings at Vimal Talav, Apna Bazaar, Fresh Corner, Kamatha Road, Devulwadi, and Pednekar Jewellers, all of which indicate noise levels above the prescribed limits. Therefore, it is evident that noise pollution occurred at the relevant time and locations.

26. The learned advocate for the accused argued that, although the reports show that the recorded noise levels exceeded the prescribed limits, it appears that the machine was not operating properly; therefore, the reports generated by the machine cannot be relied upon. The learned advocate drew attention to the cross-examination of the witness, during which he sought to dispute the possession of the machine and questioned how it was functioning at the relevant time. The advocate also highlighted that CW-4 had admitted, in cross-examination, that there were some technical issues regarding the calibration of the machine at the relevant time. However, the witness further admitted that the machine was operating properly at the relevant moment and that there was provision to use another machine if necessary. The witness testified that the machine started functioning properly after a new cell was inserted and that he had

taken all five recordings on the relevant day, calibrating the machine each time before taking measurements.

27. The learned advocate pointed out that the printouts of the reports did not bear the signature of the Head of the Squad, Shri Mane, and also noted that a 65-B certificate was not annexed with the report. He also argued that the independent panch witness the is PW-2 had not supported the case of the prosecution.

28. By drawing attention to the cross-examination of the witness, the learned advocate for the accused argued that the entire evidence is based on the operation of the machine used to record noise pollution. He submitted that the witness himself had admitted that, at the relevant time, the machine was not operating properly. Therefore, he contended that the reports generated by such a machine cannot be relied upon.

29. The learned advocate further argued that the reports were not signed by the in-charge, who was the head of the squad. He referred to Exh. 51, noting that there was no signature below the report. He also pointed out that the report is a computer-generated printout, and therefore, as per Section 65-B of the Indian Evidence Act, a certificate is necessary to prove electronic evidence. He contended that there is nothing on record to demonstrate that the machine was operating properly. According to Section 65-B, it is necessary to state that the machine or computer was functioning correctly, that the data was fed into it

regularly, and that no technical errors occurred.

30. The learned advocate for the accused argued that the witness himself had admitted that, at the relevant time, the machine was not working properly. Therefore, he contended, the report, which allegedly fixed the veracious liability of the accused, cannot be relied upon.

31. The learned advocate further submitted that, on that day, there were numerous processions taking place due to the immersion of Lord Ganesha. As the processions were continuous and proceeding one after another, it would have been difficult to accurately record the noise levels, and it could not be precisely ascertained which mandal was generating the noise. He also argued that the prosecution had examined Panch witness Navnath Krushna Gawand (CW-2), but the witness had not supported the case of the prosecution. Therefore, he contended that Exh. 51, which was purportedly recorded at the spot, has not been proved by the prosecution.

32. The learned advocate for the accused further argued that only the present accused, who was the President of the Ganesh Mandal, has been arraigned as an accused in the present case. It is contended that the other persons who were members of the troupe participating in the procession have not been made accused. Further, the individuals who were actually playing the drums or musical instruments and allegedly causing the violation

have also not been arraigned as accused.

33. The learned advocate further submitted that the instruments allegedly used for causing noise pollution, such as drums or other musical instruments, were not seized by the prosecution. In the absence of such material evidence, it is argued that the prosecution has failed to establish the alleged offence beyond reasonable doubt. On these grounds, it is contended that the prosecution case is deficient and the accused is entitled to acquittal.

34. Upon careful appreciation of the entire evidence on record, it emerges that the prosecution case is primarily based on the reports of noise level readings allegedly recorded at the spot. The complainant (CW-1) has admittedly filed the present complaint on the basis of the report submitted by P.S.I. Kashinath Mane and the documents annexed thereto. Thus, his evidence is essentially formal in nature and not based on his personal knowledge of the incident.

35. The material witness in the present case is Vaibhav Mane (CW-4), who operated the sound level measuring device. However, upon perusal of his cross-examination, it appears that there were certain technical issues regarding the functioning and calibration of the machine at the relevant time. Though the witness has stated that the machine was made functional by inserting a new cell, such admission creates a doubt regarding the

accuracy and reliability of the readings recorded.

36. It is further pertinent to note that the alleged reports (Exh. 50 to 54), which are computer-generated printouts of the sound level readings, have not been duly proved in accordance with law. Admittedly, no certificate under Section 65-B of the Indian Evidence Act has been produced on record. In the absence of such mandatory certification, the electronic evidence in the form of printouts cannot be safely relied upon.

37. Moreover, the said reports do not bear the signature of the head of the squad, i.e., P.S.I. Kashinath Mane, which further affects their evidentiary value. The independent panch witness (CW-2), who was expected to support the prosecution case, has not supported the prosecution, thereby weakening the credibility of the spot evidence.

38. It also emerges from the evidence that on the day of the incident, multiple Ganesh immersion processions were proceeding simultaneously at different locations. In such circumstances, it becomes difficult to attribute the exact source of the alleged noise pollution to a particular mandal. The prosecution has failed to establish a clear nexus between the accused's mandal and the specific noise level allegedly recorded.

39. Furthermore, the prosecution has not arraigned the actual persons who were allegedly playing the drums or musical instruments. The accused has been prosecuted solely on the

ground that he was the President of the Ganesh Mandal. In the absence of specific evidence showing his direct involvement or active role in causing the alleged violation, mere holding of such a position is insufficient to fasten criminal liability.

40. It is also significant that the instruments allegedly used for causing noise pollution, such as drums or other musical instruments, have not been seized by the investigating agency. This omission assumes importance as it deprives the Court of material evidence necessary to corroborate the prosecution case.

41. In view of the aforesaid deficiencies, inconsistencies, and lack of reliable evidence, I am of the considered opinion that the prosecution has failed to prove its case beyond reasonable doubt. Accordingly, I hold that the prosecution has failed to prove the charge against Accused. Accordingly, I answer point No. 01 in the Negative.

AS TO POINT NO. 2 :

42. The prosecution has failed to establish the guilt of the accused beyond reasonable doubt. Consequently, accused deserves to be acquitted of the charges levelled against him. Accordingly, in answer to Point No. 2, I proceed to pass the following order:

:: ORDER ::

1. Accused is hereby acquitted of the offence punishable under Section 15 of the Environment

JUDGMENT

:: 19/19 ::

R.C.C.No. 83/2020

(Sheshrao Suryawanshi Vs. Mahesh Baldi)

Exh. No. 105/B

(Protection) Act, 1986 read with provisions of Rules 6 and 8 of the Noise Pollution (Regulation and Control) Rules, 2000 vide section 248(1) of the Code of Criminal Procedure.

2. His bail bonds stand canceled.
3. The accused is directed to furnish a Personal Bond and Surety Bond of ₹15,000/- (Rupees Fifteen Thousand only), in compliance with the provisions of Section 437-A of the Code of Criminal Procedure.

Alibag.

Date : **02/04/2026**.

(**M. B. Attar**)

Chief Judicial Magistrate,
Raigad-Alibag.