

MHST100001832018

Order below Exh. 45 inS.C.C. No : 118/2018.(Tree Officer, Municipal Council,  
MahabaleshwarVs.Ramesh Dattatray Devkar etc 2)**ORDER BELOW EXH.45 IN S.C.C. NO.118/2018**

The Applicant/Accused No. 1 Ramesh Dattatraya Devkar has filed present application seeking the relief of "No Objection Certificate" for issuance of a passport for 5 years for travelling purpose.

2] It is the contention of Applicant/Accused No. 1 that, he is holding a passport. The Assistant Passport Officer, Pune had issued passport to the Accused No. 1 valid for 1 year that copy was already submitted to this court. In an interview dated 30/10/2023 the Assistant Passport Officer, Pune has clarified that, every year, fresh NOC would be required from Hon'ble Court for further 1 year or 5 year period till the pendency of the above mentioned case. Hence, permission be granted by allowing the application.

3] Heard learned advocate for accused and learned A.P.P. was absent for state and no say was filed.

4] Perusal of record shows that, the offences punishable

under section 21(1) of the Maharashtra (Urban Areas) Protection And Preservation Of Trees Act, 1975 and section 427 r/w 34 of the Indian Penal Code are levelled against the accused. To support the contention of the accused he filed xerox copy of his passport and copy of letter sent by Ministry of External Affairs, Regional Passport Office, Pune on record. The reasons given for grant of NOC for issuance of a passport to Accused No. 1 are to be genuine one. The perusal of record shows that, Hon'ble Bombay High Court in Cri. W. P. No. 2831/2023 stayed this case proceeding and directed that "Until further orders, no charge be framed". Therefore, the accused prayed that, the application of passport is urgent in nature and directions of stay are regarding framing of charge. Hence, considering the urgency the application of passport is required to be decided. In such circumstances, it would proper to grant permission for 2 years for renewal of passport. Hence, the following order is passed.

### **ORDER**

1. The application at Exh.45 is partly allowed to the extent of renewal of passport for the period of two years as per the provisions of law.
2. The Applicant / Accused No. 1 Ramesh Dattatraya Devkar, R/o. B-2, Shashikiran Apartment 55/35, Ashok Path, Law Collage, Erand one, Pune is entitled to renew the passport from

the concern authority according to the procedure.

3. The Applicant / Accused is hereby directed to give an undertaking that, whenever he renewed the passport by the concern authority, the true copy of that passport be filed on record of the court proceedings.

Date.16/02/2024

( A. D. Margode )  
Judicial Magistrate First Class,  
Mahabaleshwar.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer :S. S. Kadam,

(Stenographer, L.G.- Grade -III)

Court :Civil Court Junior Division,  
Mahabaleshwar

Date : 16-02-2024

Judgment signed by the P.O on: 16-02-2024

Judgment uploaded on : 16-02-2024