

ORDER BELOW EXH.4

1. Today, the case is taken on board. This is an application filed by accused no.9 viz. Piyush Vijay Makani seeking grant of no objection certificate for issuance of passport in his name by the concerned authority.
2. According to him, he is a literate person. He wants to go abroad for business purpose. The present charge-sheet is filed against him for the offences punishable under Sections 188, 269, 270 read with Section 34 of the Indian Penal Code (***for short “the IPC”***), Section 6, 77 of the JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, Section 51 of the Disaster Management Act and Section 3 of the Epidemic Diseases Act (***for short “the Act”***).
3. He is a permanent resident of Nagpur. It is necessary for him to go abroad. Hence, he prayed that, he may kindly be permitted as stated/prayed above.
4. He is having firm roots in the society. He will abide by the conditions of bail.
5. The learned APP has resisted the application by filing say on back leaf of the application itself. According to her, the case will not proceed further if such permission is granted. Hence, she prayed that suitable orders may be passed.
6. Perused the record. Heard both the sides. The said accused has filed on record his Aadhar card (photocopy).
7. I have gone through the record carefully.
8. Perusal of record shows that the accused remains present regularly in the Court personally or through his learned advocate. The reasons stated by him in this application appear to be reasonable.
9. Moreover, in this regard, ***Sec.6(2)(f) of the Passports Act, 1967*** is very much clear wherein exemption to citizens against whom criminal case(s) is/are pending is granted provided they obtain

permission from the concerned Criminal Court. ***In fact, this fact is to be brought to the notice of the applicant by the passport authority itself. The prayer made in the application is for issuance of no objection certificate. However, there is no provision in Cr.P.C. for grant of such certificate.***

10. The learned advocate for the said accused reiterated the contents in the application in the form of arguments. Considering the submissions made and in the light of above legal position, I find that it would be just and proper to grant permission to the said accused so as to enable him to get passport in his name as prayed by him. Hence, I proceed to pass the following order :-

ORDER

1. Application Exh.4 is allowed.
2. Permission to issue passport in the name of Piyush Vijay Makani for a period of ten years is granted to the said accused on following conditions:-
 - a) Before going to abroad he should take permission of this court by giving detail programme of going to abroad and coming to India.
3. The Passport Authority, Government of India, Ministry of External Affairs, Regional Passport Office to consider the application for issuance of passport to the accused namely Piyush Vijay Makani subject to the conditions mentioned in the Notification dated 25.8.93 and in the light of permission herein granted to him.

Date:- 13.05.2025

(Rahul K. Gaikwad)
Judicial Magistrate First Class,
(Court No.1), Nagpur.

C E R T I F I C A T E

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

Name of the Stenographer : P. M. Chaware