

IN THE COURT OF ADDITIONAL SESSIONS JUDGE – I, ALAPPUZHA

Present: Sri.Roy Varghese,Special Judge/Addl.Sessions Judge-I

Saturday the 16th day of August, 2025.

CRIMINAL MISCELLANEOUS PETITION No. 1735/2025 IN S.C 488/2020

Crime No.144/2020 of Alappuzha South Police Station

Petitioner/Accused:-

Sanal Pulikkal, aged 31 years,
S/o Anilkumar, Pulikkal House,
Patam P.O., Kolikkadave, Kannur.

(By Adv.Tharish Muhammed)

Complainants:-

1. State of Kerala represented by
Assistant Public Prosecutor.
2. The Regional Passport Officer,
Kozhikode, Kerala.

(By Special Public Prosecutor Adv.V.V. Jayachandran)

This petition having been heard on 16-08-2025 and the court on the same day passed the following:-

ORDER

This is a petition filed by the 2nd accused seeking a direction to the Iritty Police Station for the issuance of a 'Police Clearance Certificate' and this Court to issue a 'No Objection Certificate', thereby permitting him to go abroad for pursuing his studies. He is involved in the Crime No.144/2020 of Alappuzha South Police Station as charged with offences under the provisions of the NDPS Act and trial pending.

2). The learned Special Public Prosecutor appeared for the respondent State and raised objection that if the petitioner is permitted to leave India, the trial would

be delayed. Hence sought for dismissal of this petition.

3). Heard both sides and perused the records. The petitioner/2nd accused sworn in his affidavit that he got an opportunity to do a diploma course in Hospitality and Tourism Management in the SS Business School Ltd., in the Republic of Mauritius, which is a one year course. He produced copy of the Admission Certificate in the above institute. His application for Police Clearance Certificate has been withheld due to the pendency of the above case.

4). The right to freedom includes freedom of movement and liberty. The rights of the petitioner to pursue education and engage in employment abroad for earning livelihood to be protected. He is regularly represented in proceedings of the case. Considering the above facts and that there is no violation of the bail order, it would be appropriate to permit him to study abroad.

5). As per Notification No.GBR 570 E dated 25.08.1993 published in the Gazette of India extra part-II S.3(i), the Central Government made it clear that once the Criminal Court before which the case is pending permits the accused to depart from India, then he is exempted from the operation of the provisions of Clause (f) of Sub Section (2) of Section 6 of the Passport Act, 1967.

In the result, this petition allowed. The Station House Officer of Iritty Police Station may issue a Police Clearance Certificate for the petitioner/2nd accused by endorsing the pendency of this case in Crime No. 144/2020 of

Alappuzha South Police Station, pending trial in S.C.No. 488/2020 of this Court.

This Court having no objection in the petitioner pursuing his studies abroad. The petitioner/2nd accused is permitted to depart from India for a period of one year.

(Dictated to the Confidential Assistant, typewritten by him in the computer, corrected and pronounced in the Open Court by me on the 16th day of August, 2025.)

Sd/-
ROY VARGHESE,
ADDITIONAL SESSIONS JUDGE-I.

Fair copy of Order in
Crl.M.P.No.1735/2025
Dated:16.08.2025