

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-1,  
ALAPPUZHA.

Present:-**Smt. Shana Beegam, Judicial First Class Magistrate.**

Dated this, the 23rd day of March, 2026

**C.M.P.No.03/2026 in CC 2984/2021**

Petitioner/Accused : Shefeek, S/o Hussain Baker  
Muhammad, Naheeda Nivas,  
Patteriparambu, Stadium Ward,  
Head Post Office PO,  
Alappuzha  
(By Adv. Kishor Kumar)

Respondent/Complainant : State represented by the Sub  
Inspector of Police, Alappuzha  
North PS in Crime No.721/2021.  
(By Asst. Public Prosecutor)

This case coming on this day for hearing, the court passed the following:-

**ORDER**

This petition is filed by the petitioner/accused in the above case to issue No objection certificate and direct the respondents to issue a temporary passport and to go abroad for a period of five years as per sec.6(2) (f) r/w. 22(a) of Passport Act, 1967.

2. Brief facts of the petition, in brief, is as follows:-

The petitioner is the accused in this case alleging commission of offences punishable u/s.279, 337, 338 IPC and Section 134(A), 134(B) of M.V. Act. He is innocent of the charges levelled against him and so far he

has not been implicated in any other criminal case. He appeared before the court and released on bail. He is working at UAE and his passport will expired on 19.05.2026. Hence, he prayed for issuing a No Objection Certificate in his favour for issuing passport temporarily to him and to go abroad for a period of five years. Otherwise he will suffer a lot of difficulties and hardships.

3. Copy of the petition was served to the learned A.P.P. and the Investigating Officer filed report stating for dismissing the petition.

4. Heard both sides and perused the case records.

5. As per sec. 6(2) (f) of the Passport Act, the Passport Authority can refuse issuance of passport or travel document for visiting any foreign country on the ground of criminal proceedings pending in respect of an offence alleged to have been committed by the person concerned before a Criminal Court in India. But, as per the notification number GSR 570(E) dated 25.8.1993 issued by the Central Government under sec. 22 of the Passport Act, exemption has been granted to the citizens against whom proceedings are pending before the criminal court and who produce an order from the court concerned permitting<sup>1</sup> them to depart from India from the operation of this provision.

6. As per Official Memorandum No. VI/401/1/5/2019 dated 10.10.2019 issued by the Ministry of External Affairs, Government of India, the Passport should be issued only for the period specified in the court, if the court specified a period for which the passport had to be issued. It further reads that if no such period is specified, then the passport should be issued only for a period of one year only.

7. On going through the petition, it is seen that the petitioner who is the accused in this case prayed for issuing a No Objection Certificate in his favour for issuing passport having a validity for a period of five years and to go U.A.E. for job purpose. Investigating Officer filed a report stating no objection. Hence, I am of the view that petition can be allowed on conditions.

8. Considering the matters stated above, the petition is allowed and the Regional Passport Officer is directed to issue passport to the petitioner valid for a period of two years. He is also allowed to go abroad for a period of one year subject to following conditions:-

- i. The petitioner shall execute bond for Rs. 50,000/- each with two solvent sureties each for the like sum.
- ii. Petitioner is exempted u/s. 6(2) (f) of the Passport Act.
- iii. Issue copy of the order to the Regional Passport Officer, Kochi.

Pronounced in the open court on this the 23rd day of March, 2026.

Sd/-  
Judicial First Class Magistrate-I,  
Alappuzha.

//True Copy//

Judicial First Class Magistrate-I,  
Alappuzha.