

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE  
AMBALAPUZHA**

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 08th day of January, 2026

**C. M. P. No.02/2026 in C. C. No.189/2021**

(Crime No.797/2020 of Edathua Police Station)

Petitioner/Accused no.3 : Mathew Antony, S/o M.M. Antony, Molipadavil  
House, Karikkuzhi PO, Thalavady Village,  
Kuttanadu Taluk, Alappuzha District

Rep. by Adv. B. Subash

Respondent : State represented by the Sub Inspector of Police,  
Edathua Police Station

Rep. by A.P.P., Ambalapuzha

This petition having been heard on 05.01.2026 and the Court on 08.01.2026 passed the following :

**ORDER**

1. This is an application filed by the counsel on behalf of the 3<sup>rd</sup> accused seeking for a No objection Certificate for the renewal of his passport.
2. The offence alleged against the accused is punishable u/s.420 r/w S.34 of Indian Penal Code.
3. According to the averments in the petition, the 3<sup>rd</sup> accused was earlier granted an exemption from appearing before this court and is now residing at Sharjah in

furtherance to his job. But his passport got expired and upon submitting an online application for the renewal of the passport, it was intimated that a no objection certificate could not be granted due to the pendency of this case. It is hence contented that a No objection certificate appears to be necessary and that failure to grant the same would result in irreparable loss and hardship to the 3<sup>rd</sup> accused. Hence the petition.

4. Investigating officer filed report contenting that grant of such permission would invite the possibilities of the accused committing similar offences.
5. Heard both sides. Perused the records.
6. It is well settled that the grant of such permission is the discretion of court. Sec. 6(2)(f) of the Passport Act, imposes a restriction regarding the issuance of a passport or a travel document on the ground of pendency of criminal proceedings. But the order issued by the Central government as GSR 570(E) dated 25/08/1993 u/s.22(a) of the Passports Act, 1967 exempts citizens from its operation on production of an order from a Court that permits them to depart from India.
7. A mere pendency of a criminal case by itself is not a ground to deny the valuable right of the accused to meet his livelihood. Moreover, the need expressed by the 3<sup>rd</sup> accused also appears to be relevant. On perusal of the records, it is seen that the 3<sup>rd</sup> accused is on bail and has submitted bail bond with sufficient sureties to the satisfaction of the court. The 3<sup>rd</sup> accused and sureties also have a fixed place of abode. The only aspect that requires to be ensured here is that the 3<sup>rd</sup> accused shall ensure his presence during the trial of the case and if not he shall not dispute his identity as the trial may have to be proceeded in his absence. No prejudice will be caused by permitting the 3<sup>rd</sup> accused to renew his passport. The dictum laid down in **Asok Kumar v. State of Kerala** (2009 (2) KLT 712) and the parameters in **Thadevoose Sebastian v. Regional Passport Office and another**

(2021 (5) KHC 625) are also relevant. It states that a person can be granted with the permission to go abroad subject to the conditions prescribed by the court. This court finds no reason to deny the 3<sup>rd</sup> accused of his right. The 3<sup>rd</sup> accused is also willing to abide any conditions as the court deems fit.

8. Therefore considering the reasons in the petition, this court is of the view that the 3<sup>rd</sup> can be granted with a permission to renew his passport subject to the following conditions :

- i. It is hereby informed that this court has no objection in renewing the passport to the 3<sup>rd</sup> accused, if he is otherwise eligible.
- ii. The 3<sup>rd</sup> accused is allowed to apply for renewal of his passport subject to the satisfaction of other conditions that regulates the issuance of passport.
- iii. The 3<sup>rd</sup> accused shall ensure that the trial of the case is not delayed or protracted on account of his absence.
- iv. The 3<sup>rd</sup> accused shall produce a photocopy of the passport duly attested by herself and one witness upon obtaining the passport within one month of receipt of the same.

(Pronounced by me in open court, on this 08th day of January, 2026.)

Sd/-  
Judicial Magistrate of First Class  
Ambalapuzha