

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

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 17th day of March, 2026

C. M. P. No.04/2026 in C. C. No.811/2021

(Crime No.538/2021 of Edathua Police Station)

Petitioner/Accused no.1 : Sajith Suseelan aged 32, S/o Suseelan,
Arupathilchirayil, Thayankary muri,
Edathua village, Kuttanadu Taluk

Rep. by Adv. Soumya P.S.

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

Rep. by A.P.P., Ambalapuzha

This petition having been heard on 11.03.2026 and the Court on 17.03.2026 passed the following :

ORDER

1. This is an application filed by the petitioner, who is the first accused seeking for a No Objection Certificate for the issuance of passport.
2. The offences alleged against the accused is punishable u/s.294(b), 323, 427, 324 r/w S.34 of Indian Penal Code.
3. According to the learned counsel for the petitioner, the petitioner intends to go abroad for the purpose of his job as a welder for a period of three months and he is the sole breadwinner of his family. Due to the pendency of the case the accused is

unable to obtain a passport and a no objection certificate appears to be necessary. If the petition is not allowed it would result irreparable loss and hardships. In the aforesaid circumstances, the petitioner seeks for a no objection certificate from this court to issue a passport. Hence the petition.

4. Investigating officer filed report contending that grant of such permission would invite the possibilities of the accused absconding and thereby result in unnecessary delay in the trial of the case.
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. Moreover, the need expressed by the petitioner also appears to be relevant. On perusal of the records, it is seen that the petitioner is on bail and has submitted bail bond with sufficient sureties to the satisfaction of the court. The petitioner and sureties also have a fixed place of abode. The only aspect that requires to be ensured here is that the petitioner 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 petitioner to avail a new 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 given due consideration. On application of the above said principles this court finds no reason to deny the petitioner of his right. The petitioner 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 petitioner can be granted with a no objection certificate for availing passport with a subject to the following conditions :
- i. It is hereby informed that this court has no objection in issuing a passport to the petitioner, if he is otherwise eligible.
 - ii. The petitioner is allowed to apply for issuance of his passport subject to the satisfaction of other conditions that regulates the issuance of passport.
 - iii. The petitioner shall produce photocopies of passport and visa duly attested by himself and one witness upon obtaining the same within one week of receipt of the same.
 - iv. The petitioner shall file an affidavit that he shall not abscond and shall be available as and when required.
 - v. The petitioner shall not leave India without the permission of the court and shall file an affidavit to that effect.

(Pronounced by me in open court, on this 17th day of March, 2026.)

Sd/-
Judicial Magistrate of First Class
Ambalapuzha