

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

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 15th day of October, 2025

C. M. P. No.2418/2025 in C. C. No.986/2018

(Crime No.411/2017 of Ambalapuzha Police Station)

Petitioner/Accused no.2 : Geetha Bhai aged 58, W/o Mohana Panickar,
Thekkemadam Veedu, Komana, Ambalapuzha

Rep. by Adv. P. V. Thomas

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

Rep. by A.P.P., Ambalapuzha

This petition having been heard on 08.10.2025 and the Court on 15.10.2025 passed the following :

ORDER

1. This is an application filed by the petitioner, who is the second accused seeking for a No Objection Certificate for the issuance of passport and permission to go abroad .
2. The offences alleged against the accused is punishable u/s.420 r/w S.34 of Indian Penal Code and S.4 & 5 of Chitty Fund Act, 1982.
3. According to the learned counsel for the petitioner, the petitioner wish to stay with her son at Dubai for a period of four months. 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 along with a permission to go abroad for 4 months. Hence the petition.

4. Investigating officer filed report contending that grant of such permission would 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 her presence during the trial of the case and if not she shall not dispute her identity as the trial may have to be proceeded in her 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 her 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 validity for one year and a permission to go abroad for a period of four months subject to the following conditions :

- i. It is hereby informed that this court has no objection in issuing a passport to the petitioner if she is otherwise eligible.
- ii. The petitioner is granted with a permission to go abroad for a period of four months.
- iii. The petitioner is allowed to apply for issuance of her passport with a validity for a period of one year subject to the satisfaction of other conditions that regulates the issuance of passport.
- iv. The petitioner shall produce photocopies of passport and visa duly attested by herself and one witness upon obtaining the passport within one week of receipt of the same.
- v. The petitioner shall ensure that the trial of the case is not delayed or protracted on account of her absence. The petitioner shall appear before this court as and when required by this court.
- vi. The petitioner shall file an affidavit that she shall not abscond and shall be available as and when required.
- vii. The petitioner shall file an affidavit to the effect that she will be duly represented by counsel holding vakalath and that she will not dispute her identity during trial.

(Typed, corrected and pronounced by me in open court, on this 15th day of October, 2025.)

Sd/-
Judicial Magistrate of First Class
Ambalapuzha