IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-1 HARIPAD

Present: Drisya Balakrishnan, Judicial First Class Magistrate

Dated this the 27th day of November, 2025

CMP.3301/2025

in

CC.540/2023

(crime no. 252/2023 of Kareelakulangara police station)

Petitioner/Accused no.3	:	Sajeer, aged 30 S/o Naushad, Asantayyathu veetil Kannamballi bhagam muri, Kayamkulam *(By Advocate Sri. Umesh K)*
Respondent	:	1.State-represented by SHO, Kareelakulangara 2.The Regional Passport officer, Passport office, Cochin *(Represented by APP, Haripad)*
Order	:	Application is allowed.

This C.M.P coming on for hearing today, the court passed the following:

ORDER

1. This is a petition filed U/s.22(a) of Passports Act, 1967 for issuing no objection to the petitioner for obtaining passport. Petitioner is the third accused in CC 540/2023 the offences punishable U/ss. 341, 143, 147, 148, 447, 323, 324, 427 r/w 149 IPC.
2. The petitioner submitted that he obtained passport no.A1275808 on 17.10.2025 from Regional Passport officer, Cochin. But as per the report of the Kareelakulangara police the passport was recalled by the passport officer and the same had intimated to him. Hence, the petitioner filed this petition for getting passport.
3. Heard both sides and perused all relevant records.

4. The Hon'ble High Court of Kerala in **Umesh vs Union of Indian and Another(2019 KHC 4848),** wherein it is held that the pendency of a criminal case is not a bar to renewal of passport if the applicant obtains permission from concerned criminal court to travel outside India. If applicant is granted permission to travel abroad when she has to produce the said order before Passport Office who will thereupon renew passport.
5. The accused is on bail. Though the passport authority can refuse to issue a passport to a person against whom criminal, proceedings are pending, under s. 6(2)(f) of the Passport Act.1967, the central Government may, under s.22(a) of the said Act, exempt any person or any class of persons from the operation of any provisions of the Act. Accordingly, the Central Government has issued notification No.GSR 570(E) dated, 25/08/1993) issued under clause(a) of s.22 of the Passports Act, 1967. By the said notification, the citizen's of India against whom proceedings in respect of an offence alleged to have been committed by them, are pending before a criminal court in India and who produces orders from the court concerned permitting them to depart from India, are exempted from the operation of the provisions of clause(f) of sub-s.(2) of s.6 of the said Act. The said notification also lays down certain conditions including a condition that the said citizen shall give an undertaking in writing to the passport-issuing authority that he shall, if required by the court concerned appear before at any time during the continuance in force of the passport so issued. In **Ashok Kumar vs. State of Kerala (2009)2 KLT 712**, the Hon'ble High Court of Kerala has categorically held that even in cases relating to passport

offences, the court can grant No objection to apply for passport, subject to necessary conditions.

6. In the instant case, there is no reason why the petitioner should not be allowed to travel abroad and undertake work abroad because the above case is pending. I am of the view that it is only just and proper that the accused is permitted to obtain a passport for 5 years. For the aforesaid reasons, permission is granted to the petitioner to obtain his passport for a period of 5 years subject to following conditions:

   (1) Petitioner shall not take up permanent residency in any foreign country without permission of the Court.

   The Passport Authorities are at liberty to issue passport if their rules otherwise permit him to obtain a passport.

Pronounced by me in open court on this the 27th day of November, 2025

Judicial First Class Magistrate-1, Haripad