

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-II, HARIPAD

Present : Smt.Maneesha K. Bhadran, Judicial First Class Magistrate -II

Dated this the 23rd day of March, 2026

C. M. P. No.2/26 in CC. No. 123/2022

Petitioner/4th accused : Salim Sainulabdeen, aged 41/2022, S/o Sainulabdeen,
Varikolil House, Thamallackal South Muri,
Kumarapuram Village.
(By Adv. R. Rajesh)

Respondent : State of Kerala, Represented by Station House Officer,
Haripad PS in crime No.62/2022.
(By Sri. Sivaprasad P.M., APP Grade -I, Haripad)

ORDER

- 1 This is a petition filed by the fourth accused in the above numbered case seeking permission to renew his passport for a period of 2 years.
- 2 The contention of the petitioner is that he is the fourth accused in the above numbered case, which was booked for the offences punishable u/ss.324, 447, 498A 34 of IPC and S.31 of PWDV Act. Since the case was registered, only on obtaining the permission of this Court, the petitioner could renew his passport. The petitioner submitted that he has to go abroad in connection with employment. He further submitted that he is the sole bread winner of his family.
- 3 Copy of this application was served on the learned APP and both sides were heard.
- 4 As per S. 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 No. G.S.R.570(E) dated 25.08.1993 issued by the Central Government under S. 22 of 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 them to depart from India from the operation of this provision.

- 5 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 order of 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.
- 6 Petitioner seeks permission for renewal of passport. Petitioner is already on bail. Considering the nature of the offences alleged and limited prayer made by the petitioner, I am satisfied that sanction, as sought for, can be accorded with. Reliance is placed upon the dictum of the Hon'ble High Court of Kerala in Thadevoose Sebastian v. Regional Passport office and another 2021 (5) KHC 625.
- 7 In the result, this application is allowed and the petitioner is granted permission to renew his passport for 2 years, notwithstanding the pendency of this case (C. C. 123/2022 in crime no. 62/22 of Haripad Police Station) on the file of this Court.

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

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JUDICIAL FIRST CLASS MAGISTRATE - II

