

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

Present: Seethalakshmy Y, Judicial Magistrate of First Class - I
Dated this the 2nd day of June, 2026.

CMP. 02/2026 in CC 78/2022

Petitioner/ 1st Accused : K Vijayan, Aged 73/22, S/o
Krishnan Channar, Kambisseril
Muri, Vallikunnam, Mavelikara,
Alappuzha.
(By Adv. Jayakrishnan S)

Counter Petitioner : State represented by S. I of Police,
Vallikunnam in Cr. 531/2021.
(By A.P.P. Sr. Gr., Kayamkulam)

Offence : Sec. 406, 409, 465 and 471 read
with 34 of the Indian Penal Code,
1860.

This petition having been heard on 02.06.26 and this Court on the same day delivered the following

ORDER

1. This petition is filed by the petitioner, seeking issuance of a No Objection Certificate for renewal of passport.
2. Petition averments, in brief, are as follows: The petitioner is arrayed as an accused in CC.78/2022 of Vallikunnam Police Station. The petitioner is seeking renewal passport. Earlier Petitioner filed CMP 730/24 for getting NOC for issuance of passport and the same was allowed by this Hon'ble Court on 24.12.24. The validity of the passport is going to be expired and Court With regard to this, the petitioner approached the Passport Authority and was informed that an NOC from the Court has to be produced for issuance of passport. Hence this petition.

3. The Sub Inspector of Police Vallikunnam filed report and Learned Assistant Public Prosecutor submitted only formal objection.

4. Heard both sides.

5. The following points arise for consideration:

1. Whether the petition is liable to be allowed?

2. What is the order

6. **Point No. 1:-** It is well settled that mere pendency of a criminal case is not a ground to deny the right of an accused to travel abroad, if he is otherwise entitled. The Hon'ble High Court of Kerala in ***Asok Kumar v. State of Kerala (2009 (2) KLT 712)***, ***Mohamad Shafi v. Regional Passport Officer [2017 (2) KHC 484]*** and the Notification No. GSR. 570(E) dated 25.08.1993 issued by the Ministry of External Affairs, that the right to travel abroad cannot be denied merely due to pendency of criminal proceedings and the court can grant permission subject to appropriate conditions.

7. On perusal of the records, it is seen that the petitioner is on bail and has complied with the bail conditions. There is nothing on record to show that he is likely to abscond or evade trial. The reasons stated by the petitioner, appear to be genuine. At the same time, the presence of the petitioner during trial has to be ensured. This Court has to ensure that the trial of the case will not be delayed/affected by petitioner's absence if any in future by imposing appropriate conditions.

8. Point No. 2:- *In light of the findings in point no. 1 the petition is allowed as follows:-*

- (i) If the petitioner is otherwise entitled, this court has no objection to the Passport Authority for renewing passport to the petitioner due to the pendency of this case. The passport so renewed shall have validity for a period of two year from the date of issuance.*
- ii) The petitioner shall file an affidavit undertaking that he will appear before the Court as and when directed and will not abscond.*
- (iv) The petitioner shall produce attested copies of passport and visa before this Court within one week of obtaining the same.*
- (v) Petitioner shall file an affidavit to the effect that he shall not dispute his identity as the particular accused in the case when trial goes on in his absence and shall always be represented by his lawyer & he has no objection in taking evidence in his absence treating the presence of the counsel as his presence, in compliance with S.355 of the Bharatiya Nagarik Suraksha Sanhita 2023, and shall undertake to avail Electronic Video Linkage as per Electronic Linkage Rules for Courts(Kerala) 2021*

(Pronounced by me in the open Court on the 02nd day of June 2026)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I