

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

Present:-Aiswaryarani, Judicial Magistrate of the I Class
Dated this 9th day of January 2026.

CMP. 1/2026 in CC. 1319/2021.

Petitioner : Father Georgy Jhone, Aged 41 years,
Kaleekkal House, Manjadithara Muri,
Bharanickavu Village.
(By Adv. George Varghese)

Counter Petitioner : State represented by SI of Police,
Vallikunnam Police Station
(By Sri. Arun P, A.P.P. Sr. Grade,
Kayamkulam)

Offence : U/ss.143, 147, 148, 149, 283, 332, 353 of
the Indian Penal Code, 1860.

This petition having been heard on 08.01.26 and the court delivered the following on 09.01.26

ORDER

Petition for permission for renewing passport

2. Petition averments, in brief, are as follows: The petitioner is arrayed as the accused in CC 1319/2021. He has to go abroad. For the same the passport has to be renewed atleast for a period of 2 years. Hence this petition.

3. The Sub Inspector of Police through the learned Assistant Public Prosecutor raised only a 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:-** *In Mohamad Shafi v. Regional Passport Officer, 2017 (2) KHC 484*, the Hon'ble High Court has discussed the power of the Criminal Courts to grant permission to renew passport pending a criminal trial in this decision.

7. It has been well settled by a plethora of cases that the pendency of a criminal proceeding is not a bar to obtaining a passport. It is for this purpose that through Section 22 of the Passports Act, 1964 and GSR 298(E) dated 14 April 1976, of the Government of the Ministry of External Affairs, the Criminal

Courts are vested with the power to grant such permission by imposing adequate safeguards for securing the presence of accused for trial.

8. In these circumstances, I find that the petition can be allowed. This point is answered in favour of the petitioner.

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

- a. If the petitioner is otherwise entitled, this court has no objection to the Passport Authority issuing a passport to the petitioner due to the pendency of these cases. The passport so issued shall have validity for a period of 2 years from the date of issuance.
- b. The petitioner shall undertake to submit before the court the passport that is issued with a self-attested true copy of the passport within 2 weeks from the date of issuance. The passport shall be returned after verification with the copy.
- c. The petitioner shall undertake in writing before the court that the petitioner shall not leave India without prior permission of this Court.

10. In the result, the petition is allowed on the above-mentioned conditions.

(Dictated to the C.A, transcribed by her, corrected and pronounced by me in the open Court on the 09th day of January, 2026)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I