

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

Present: Hareesh G., Special Judge

Wednesday, the 23rd day of April, 2025

CMP Nos.89/2025 and 90/2025 IN S.C No.1225/2023

Petitioner/accused No.2 : Saran, aged 40, S/o Vijayan,
Lavees Veedu, Eruva West Muri,
Pathiyoor Village.

Petitioner/accused No.4 : Shilpa, aged 36, W/o Sharan,
Lavees Veedu, Eruva West
Muri, Pathiyoor Village.

(By Adv.Sri.D. Biju).

Cr.Petitioner/Complainant : State of Kerala-represented by S.I.
of Police, Kayamkulam Police
Station in Crime No.1633/2020.

(By Special Public Prosecutor, Haripad)

Proceedings : Application for renewal of
passport.

Order : Allowed.

These petitions having been finally heard on 22/04/2025 and the court on this day passed the following:-

COMMON ORDER

1. These are the applications put in by the 2nd and 4th accused in the above numbered Sessions case, which was registered alleging

commission of the offences punishable u/Ss.323, 354, 427 r/w S.34 of the IPC and Sec.75 of the Juvenile Justice (Care and Protection of Children) Act, by the accused.

2. The present applications are supported by the affidavits sworn by the petitioners/accused and gist of the facts stated in the affidavits is as follows: The 4th accused is the holder of Indian Passport No.K 7104966 and the 2nd accused is the holder of Indian Passport No.Z 2783167. The passport of the 2nd accused is expired on 13/02/2024 and the passport of the 4th accused expired on 15/10/2022. Now, both the petitioners are wanting to visit Malta on June 25, 2025 for business purpose. Therefore, their passports are to be renewed and a direction is to be given to the Passport Office in that regard, otherwise, the petitioners would suffer irreparable injury and loss. Hence, this applications.
3. Pursuant to the applications a report from the SHO, Kayamkulam was obtained . As per the said report if the petitioners are permitted to go abroad that will impede the trial of the case and therefore the application is liable to be dismissed.
4. Heard the counsel appearing for the petitioners rand the public prosecutor.

5. In this case, the offences alleged against the accused are punishable u/Ss. u/Ss.323, 354, 427 r/w S.34 of the IPC and Sec.75 of the Juvenile Justice (Care and Protection of Children) Act. There are altogether ten accused in this case. It is to be noted that the case is of the year 2023 and the trial of this case is almost completed and the present case is to be tried along with SC No.7/2025 wherein the 4th accused herein is the defacto complainant. The presence of the accused persons is not necessary in all posting dates of the case
6. It is the case of the petitioner that the Court may permit them to travel abroad and in the event the Court grants such permission they will be duly represented by their counsel for all purposes.
9. Here it is to be borne in mind that it has been constantly holding that the pendency of a criminal proceeding is not a bar for obtaining a passport or for travelling abroad. However, the only requirement in such cases is that the Court where the criminal proceeding is pending, must grant permission for the period of such travel or the period for which the passport can be issued. Based upon such permission, the passport issuing authority can issue the requisite document enabling travel. As per the report

filed by the SHO, Kayamkulam, it is not discernible whether the petitioners are accused in any other cases.

10. In the facts and circumstance of the case, the decision on the Hon'ble High court is that **Akhilesh v. State of Kerala and Others 2021 (2) KHC 752** is relied on. In the light of the dictum laid down by the Hon'ble High Court of Kerala is the said decision, the application is allowed as hereunder.

- (i) The petitioners are permitted to get their passports renewed.
- (ii) They shall appear before Court on all material hearing dates, and the present applications being allowed shall not be availed as an excuse for absence on any such dates.
- (iii) In the event the petitioners go abroad, they shall be duly represented before the Court on all posting dates and further they shall not raise any challenge against the acts done by their counsel in this case on their behalf.
- (v) They shall not use the passports to leave India without obtaining prior permission of this court.
- (vi) If the petitioners go abroad each of them shall execute a new bail bond for ₹.50,000/- with two solvent sureties each for the like sum.

Dictated to the Confidential Asst., typed by him directly on to the computer, corrected and pronounced by me in open court on this the 23rd day of April, 2025.

Sd/-
Special Judge,
Fast Track Special Court, Haripad.

-//True Copy//-

Special Judge,
Fast Track Special Court, Haripad.