

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION
Present:
Smt.Sulekha M.,Special Judge, Special Court for the trial of
Offences under the SC/ST(POA) Act
Full Addl. Charge of Addl.Dist.& Sessions Judge-VIII,
Ernakulam.
Thursday, the 8th day of January, 2026/18th Pousha 1947

Crl MP No.6054/2025
in
S C No.859/2023
(Crime No.350/2022 of Infopark Police Station)

Petitioner/ Accused No.4:-

Akhil Manoj, aged 27 years, S/o.Manoj Kumar,
Moodolil Kizhakkethil House, Chingoli.P.O., Harippad,
Alappuzha, Pin- 690 532.

By Adv. Sanil Kunjachan

Respondent/Complainant:-

State of Kerala represented by the
Addl.Public Prosecutor,
District and Sessions Court ,
Ernakulam-682 011.

By Special Public Prosecutor Adv.Shri.K.M.Shamsudin

This is an application u/s. 22(a) of the Passport Act, 1967 for issuing the
Passport.

This petition coming on for hearing before me on 07.01.2026 and the court
on 08.01.2026 passed the following:-

ORDER

This application is filed by the accused in crime No. 350/2022
of Infopark Police Station to apply for a fresh passport.

2. It is submitted that:- the accused got bail on 24-05-2022 ,
subject to conditions and the petitioner has complied the conditions
without any violation. He had completed B.Tech Mechanical Engineering

course and was temporarily working as a Mechanical Engineer at KPA Engineering Private Ltd, Surat. Now he got an opportunity to go abroad for employment for that purpose he had applied for a passport, but the same was rejected due to the reason that he has not mentioned the details of the above said case. In addition, the passport authority directed me to cancel the first application and apply for a fresh application along with all documents. Accordingly, he had applied for the new passport, then the authority informed that they want a direction (court order) from this Hon'ble court to issue passport and travel abroad.

3. It is respectfully submitted that foreign travel does not prejudice the prosecution in any manner. He needs to go abroad for his livelihood, for which the permission of this Hon'ble Court and direction to issue passport is required. He has cooperated with the investigation and his personal presence is not at all required for any further investigation in this matter. Therefore this Hon'ble Court may be pleased to direct the Regional Passport Office, Ernakulam to issue passport to the petitioner.

4. Heard, the learned counsel appearing for the petitioner and the learned Special Public Prosecutor. The prosecutor has an objection in allowing the petition. He reiterated the contentions in the report of the Investigation Officer.

5. As per Sec. 6(2)(f) of the Passport Act, the passport authority can refuse the 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 applicant, before Criminal Court in India. But as per the notification, dated 25/08/1993, issued by the Central Government, an exemption can be granted to the citizens, from the operation of this provision., against whom proceedings in respect of the offence alleged to have been committed by them are pending before Criminal Court on production of an order from the Court concerned permitting them to apply for the same.

6. Regarding the period of permission and validity of passport, the relevant clauses are sub clause No.(i) and (iii) of the Government of India order GSR No.570(E) dated 27.08.1993 . They are quoted as below:-

(a) the passport to be issued to every such citizen shall be issued—

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii) if such an order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year.

7. Relying on these clauses in the GO referred to above the Hon'ble High Court in **Noushad H. Vs State of Kerala and Another** (2017 (1) KLT 972) has held that if the Court directs the extension or renewal of passport for a specified period, clause (i) will apply and passport will have to be issued for that period. If the Court's permission was only to travel abroad for a period less than one year, but does not specify the period of validity of passport, period of validity of passport will be covered by Rule (iii) and the Passport Officer will be bound to issue for one year. In **S.K Ashok Kumar v. State of Kerala (2009(2) KLT 712)** the Hon'ble High Court of Kerala held that the Magistrate has got ample power to issue No-objection Certificate for issuing passport and permission to go abroad.

8. The petitioner is an accused in the above crime registered for the offences punishable under Sections 22(b), 20(b)(ii)(B), 29 and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and has approached this Court seeking permission for issuance of a new passport.

9. The learned Public Prosecutor opposed the petition mainly on the ground that the offences alleged are serious in nature under the NDPS Act. However, it is relevant to note that the alleged offences fall

under the intermediate quantity category, No material has been placed before this Court to show that issuance of a new passport would result in the petitioner absconding or obstructing the course of justice.

10. It is a settled principle of law that the right to hold a passport and to travel abroad forms part of the personal liberty guaranteed under Article 21 of the Constitution of India, subject to reasonable restrictions. Mere pendency of a criminal case, even under the NDPS Act, cannot by itself be a ground to deny permission for issuance of a passport, unless there are cogent reasons to believe that such liberty would be misused.

11. In the present case, the petitioner has been regularly appearing before this Court and there is no allegation of violation of bail conditions. The trial is pending, and issuance of a new passport, subject to appropriate safeguards, will not adversely affect the progress of the case.

12. Considering the facts and circumstances of the case, the nature of the offences alleged, and the conduct of the petitioner, this Court is of the considered view that the request for issuance of a new passport can be allowed, subject to stringent conditions to ensure the petitioner's availability for trial and to safeguard the interest of justice.

In the result,

This petition is allowed permitting the petitioner to process to get fresh passport and he is exempted for this purpose from the prohibition under Sec. 6(2)(f) of the Passport Act. The Passport authority can process the application if any, filed in this regard as per rules and issue the passport for a period of three years.

Dictated to the confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court on this the 8th day of January 2026.

**Sulekha.M.
Special Judge,
Special Court for the trial of Offences
under the SC/ST(POA) Act
Full Addl.Charge of Addl.Dist.& Sessions Judge-VIII.**

Mmc

Compd by:

**Order
in
Crl.MP.No.6054/2025
in
S.C.No.859/2023
Dated.08.01.2026.**