

**IN THE SPECIAL COURT FOR THE TRIAL OF PMLA CASES/
SPECIAL COURT (SPE/CBI)-I, ERNAKULAM.**

Present:-

Sri. P.K. Mohandas, Judge, Special court for PMLA Cases

Monday the 18th day of March, 2025/27th Phalguna, 1946

Crl.M.P. No.290/2024

In

SC (PMLA) No.03/2023

Petitioner/ Accused No.1 : S Martin, Aged 62 Years, S/o.Santiago, 135/1,
Thiruvalluvar Street, G.N Mill Post, Vellaikinar
Road,Coimbatore – 641 029.

By Adv. Sri. Mathews K Uthuppachan.

Respondent/Complainant: : **Central Bureau of Investigation, Cochin.**
Represented by Smt. Ramya Prasad, Public
Prosecutor, CBI.

This Criminal M.P coming on for hearing before me on 12.3.2025 and
the Court on 18.3.2025 passed the following:

ORDER

This is an application filed by the 1st accused in the case seeking
permission to renew his passport for 10 years and to travel abroad.

2. According to the petitioner, the case was taken on file on the basis

of a consolidated final report in 7 RCs. The offence alleged against the petitioner is punishable u/s.120B & 420 IPC and various provisions of the Lotteries (Regulation) Act and Rules. The final report was filed in the Court of the Chief Judicial Magistrate, Ernakulam and taken on file as CC No.218/2015. The petitioner was released on bail by the Chief Judicial Magistrate, Ernakulam. Later, the case was transferred to this Court and taken on file as S.C.(PMLA) No. 3/2023 for consideration along with the PMLA case. The petitioner is also the first accused in S.C. No. 533 of 2018 taken on file on the basis of the complaint filed in ECIR No.KCZO/04/2014. He appeared on summons and was granted bail after executing necessary bond.

3. When the petitioner was released on bail in this case on 26.02.2016, there was a condition to surrender his passport. Accordingly he surrendered the passport before the CJM Court. Thereafter, as per the order in Crl.M.P. 2476/2018 the passport was renewed for a period of 3 years. Later, it was renewed till 8.6.2025 as per order in Crl.M.P.1260/2021.

4. The petitioner is required to travel abroad for business as well as personal needs. As the passport of the petitioner bearing No.Z7237416 expires on 08.06.2025, he seeks permission of this court to renew it for 10 years and to travel abroad during this period. He undertakes that he will comply with all conditions imposed by the court.

5. The Public Prosecutor filed objection stating that the petitioner is

the first accused in the case and is facing serious charges as per the final report. Considering the gravity of the offence and the necessity of his presence at trial, permission for passport renewal or travel abroad should not be granted.

6. I have heard the counsel for the petitioner and the Public Prosecutor. Perused the records.

7. This application is filed seeking permission to renew the passport of the petitioner. He had surrendered his passport as per the order of the CJM while releasing him on bail in this case. Section 6 of the Passports Act, 1967 deals with the refusal of passports and travel documents. Sub-clause 2(f) is the provision applicable in this case. It reads as follows:-

“(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of subsection (2) of section 5 on any one or more of the following grounds, and on no other ground namely:-

.....

(f) That proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.”

8. Section 22 of the Passports Act enables the Central Government to exempt any persons or class of persons from the operation of any of the provisions of the Passport Act. Invoking the said power, the Government of

India issued notification GSR No.570(E) dated 25.08.1993, exempting citizens of India against whom proceedings in respect of offences alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of provisions of clause (f) subsection(2) of Sec.6 of the Act.

9. According to the petitioner, he is a businessman and wants to undertake extensive travel throughout the world. He got business interest at abroad also. He was permitted to renew his passport and go abroad on two occasions. His passport is still valid. Now the passport is about to expire. The case is of the year 2015. The connected PMLA case is of the year 2018 and still not ripe for trial as further investigation is in progress. The only concern expressed by the Prosecutor is about the seriousness of the offence and his likelihood of abstaining from court during trial. The records of the case show that the accused has been complying the conditions imposed while granting bail and co-operating with the proceeding in the court. The apprehension of the Prosecutor can be solved by imposing suitable conditions. Reasonable restrictions can be imposed to ensure the petitioner's return and participation in the ongoing case proceedings. Therefore, the period of exemption can be fixed as 5 years. So, the petition can be allowed to that extent.

In the result, the petition allowed as follows:-

1. The passport of the petitioner shall be renewed for a period of 5

(five) years.

2. The petitioner is permitted to depart from India during the validity of the passport.
3. The petitioner shall appear before this Court as and when directed.
5. Whenever the petitioner intends to leave the country, he shall file an affidavit before this court containing details of his travel program with copies of the travel documents.
6. The petitioner shall file a memo before this Court within two weeks from his return from abroad.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 18th day of March, 2025.

Sd/-
P. K. Mohandas
Judge, Special Court for PMLA Cases

Appendix: Nil

Id/-
Judge, Special Court for PMLA Cases
(By Order)

//True Copy//

Sd/-
Sheristadar.