

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-I,
PERUMBAVOOR**

Present:Sri.Anish Babu M.B, Judicial Magistrate of First Class

Friday the 8th day of May, 2026/ 18th Vaisakha 1948

CMP No.2/2026 IN CC No. 249/15

Petitioner/Accused No.3 : Muhammed Anwar, aged 40,
S/o Yousaf Moulavi, Manalikkudy House,
Pezhakkappilly Kara, Mulavoor Taluk.
(By Adv.K.V.Mathappan)

Respondent : State represented by the Sub Inspector of
Police, Perumbavoor P.S. (Cr.No.2340/13)

(By Nazeer S.M, APP, JFCM-I)

ORDER

This petition is filed by the petitioner/accused No.3 for getting permission from the court for renewing his passport bearing No. B2977901 and travel abroad.

2. The case of the petitioner is that he is the 3rd accused in the above case. The offences alleged against the petitioner/ accused are punishable under Section 9, 10, 11 of Prohibition of Child Marriage Act. The petitioner submitted that he intends to go to Saudi Arabia in connection with Umra pilgrimage. It is again submitted that his passport bearing No.B2977901 will be expired on 17.09.2026. According to the petitioner/ accused a passport with a validity of six months is required for traveling abroad. As the petitioner is involved in this case, a permission from the court is required to renew his passport and travel abroad. Hence the petition.

3. Heard the learned counsel for the petitioner and the Assistant Public Prosecutor. The Learned Assistant Public Prosecutor filed a report raising an

objection since there is every chance to cause hindrance in the trial, and chance to go abroad, if passport is issued as sought in this petition. Hence they prays to dismiss the petition.

4. It is well settled that an accused is presumed innocent unless and until he is found guilty. It can be seen that the courts have consistently held that the pendency of a criminal proceeding is not a bar for obtaining a passport or for travelling abroad. The Government of India has issued a Notification No. G.S.R.570 (E) dtd. 25.08.1993, under S.22 of the Passport Act. **The Hon'ble High Court of Kerala has also considered the said notification in its decision in Asok Kumar v. State of Kerala, reported as 2009 (2) KLT 712** and granted permission to the accused to travel abroad. **The Hon'ble High Court of Kerala in Mohamad Shafi v. Regional Passport Officer, reported as 2017 (2) KHC 484** had held that criminal court is vested with ample power to issue directions for providing passport for a specific period and the magistrate can fix the period for travelling abroad or even issue directions to issue the passport for a specified period in accordance with the facts and circumstances of each and every case.

5. In the case on hand, the petitioner is the 3rd accused in Perumbavoor Police Station Crime No.2340/13 alleging commission of offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act. According to the petitioner, he is totally innocent in the matter. Recently, **the Hon'ble High**

Court of Kerala in Akhilesh v. State of Kerala and Ors., reported as 2021

(2) KHC 752, has held that the court where the case is presently pending has to decide whether the applicant is entitled to get a passport as well as the period for which he is entitled to get a passport and the court has to keep in mind the fact that pendency of a criminal case shall not stand in the way or cause hindrance to decide the future of the applicant. The petitioner/accused No.3 herein is now in need of permission from this Court for renewing his passport and to go to Saudi Arabia in order to perform 'Umrah'. Considering the facts narrated, the petition is allowed. Intimate the Regional Passport Officer that pendency of this case is not a bar to renew the passport of the petitioner/ accused No.3 for a period of one year. The permission is also granted to the petitioner/accused No.3 to leave the India for a limited purpose to go to Saudi Arabia for a period of 3 months from today. It is made clear that the petitioner/accused No.3 must be present in court on all occasions as and when his presence is essential in this case during the trial. The petitioner shall make arrangements to receive the summons or other process issued to him and shall furnish to the court the name and address of the person whom he authorizes on this behalf.

(Pronounced by me in open court on the 8th day of May, 2026.)

sd/-

Judicial First Class Magistrate-I,
Perumbavoor