

**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 18th day of July, 2025/ 27th Ashadha 1947

CMP No. 2629/2025 IN CC No. 578/2018

Petitioner/Accused No.9 : Muhammad Fazil (Muhammad Faizal),
S/o Pareekutty, Moothedam House,,
Kandamthara, Vengola Kara, Vengola Village.
(By Adv. K.A.Jeegimole)

Respondents :1. State represented by the Sub Inspector of
Police, Perumbavoor P.S. (Cr.No. 147/2013)
2. Regional Passport Officer, Passport Office,
Panambilly Nagar, Cochin.

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

ORDER

This petition is filed by the petitioner/accused No.9 for getting permission from the court for renewing his passport bearing No.T 5578780.

2. The case of the petitioner is that he is the accused No.9 in CC.578/2018 on the file of this court (Perumbavoor Police Station Crime No.147/2013). The offences alleged against the petitioner/ accused are punishable under Sections 143, 145, 147, 148, 332, 283, 151, 152, 153(A) r/w 149 of IPC and Sec.3(1) of PDPP Act. The petitioner submitted that he is holding a Passport bearing No. T 5578780 with a validity till 13.11.2025. It is again submitted that minimum 6 months validity is required for stamping the visa. According to the petitioner since the above case is pending before the court, a permission from the court is required for renewing his passport. 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 renewed as sought in this petition. Hence they pray 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 accused No.9 in Perumbavoor Police Station Crime No. 147/2013 alleging commission of offences

punishable under Sections 143, 145, 147, 148, 332, 283, 151, 152, 153(A) r/w 149 of IPC and Sec.3(1) of PDPP 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 herein is now in need of permission from this Court for renewing his existing passport bearing No.T 5578780. Considering the facts narrated, the petition is allowed. Intimate the Regional Passport Officer, Cochin that pendency of this case is not a bar to renew the passport of the petitioner/accused bearing No. T 5578780 for a period of 3 years. It is made clear that the petitioner/accused shall not leave the country without obtaining express permission from the court.

Pronounced by me in open court on the 18th day of July, 2025.

sd/-

Judicial First Class Magistrate-I,
Perumbavoor