

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

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

**Wednesday the 30<sup>th</sup> day of July, 2025/ 8<sup>th</sup> Sravana 1947**

**CMP.2755/2025 AND CMP 2756/25 IN CC. 580/2024**

Petitioner/ Accused No.1 : Ashish Satheesan, aged 27/24,  
S/o V.R.Satheesan, Vilakkithala (Ashish  
Nivas) House, Meleppattithadam Bhagam,  
Pazhanji Kara, Porkkulam Village, Thrissur.  
**(By Adv.A.Devadas)**

Respondent/Complainant : State represented by Sub Inspector of Police,  
Perumbavoor (Crime. No.1136/2024)  
**(By Nazeer S.M, APP Gr.I, JFCM-I)**

The CMPs are coming today for a hearing, the court passed the following:

**COMMON ORDER**

CMP 2755/25 is filed by the petitioner/accused No.1 for renewing his passport bearing No.NO196798 and CMP 2756/25 is filed by the petitioner/accused No.1 u/s 205 of Cr.P.C to exempt permanently the petitioner/accused No.1 from appearing before this court for a period of two years and allow him to conduct the court proceedings through his counsel.

2. In CMP 2755/25 the petitioner submits that he is the 1<sup>st</sup> accused in the above case. The offences alleged against the petitioner/accused are punishable u/sec.329(3), 296(b), 115(2), 126(2) r/w 3(5) of BNS. It is submitted that he is innocent and he had not committed any offence as alleged. It is again submitted that the petitioner/1st accused intends to go abroad in connection with his business. The petitioner is having a passport bearing No. NO196798 and it was expired on 10.06.2025. Hence it is necessary for the petitioner/accused No.1 to renew his passport. As the petitioner is involved in the above case, a permission from the court is necessary to renew his passport bearing No. NO196798.

3. In CMP 2756/25 it is submitted that he is innocent and he had not committed any offence as alleged. He also submitted that he intends to go abroad in connection with his job. In the said circumstances, it has become highly necessary for him to apply for permanent exemption and to go abroad. He also submitted that he had entrusted his counsel to appear before this court on his behalf as and when so directed by this court.

4. 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 prays to dismiss the petition.

5. 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.1 in Perumbavoor Police Station Crime No. 1136/2024 alleging commission of offences punishable under Sections 329(3), 296(b), 115(2), 126(2) r/w 3(5) of BNS. 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.NO196798. The petitioner also seeks permission to exempt him from personal appearance as he intends to go abroad in connection with his job. The petitioner entrusted his counsel to appear before this court as and when required in this case. Considering the facts narrated, the above petitions are allowed. Intimate the Regional Passport Officer, Cochin that pendency of this case is not a bar to renew the passport of the petitioner/accused No.1 bearing No. NO196798 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. The petitioner/accused No.1 is also exempted from personal appearance for the time being and he is dispensed with personal attendance and he is permitted to appear through his pleader subject to the condition that the petitioner shall appear before this court as and when directed by this court.

Pronounced by me in Open Court this the 30<sup>th</sup> day of July, 2025.

sd/-

Judicial Magistrate of First Class-I,  
Perumbavoor