

**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 26<sup>th</sup> day of September, 2025/ 4<sup>th</sup> Aswina 1947**

**CMP No. 3516/2025 IN CC No.1015/18**

Petitioner/Accused No.2 : Aboobacker K.M @ Kuppiyan Musthafa  
Aboobacker, S/o Musthafa,Kuppiyan House,  
Okkal, Chelamattom Kara, Chelamattom  
Village.

**(By Adv.Navin Bose)**

Respondent : State represented by the Sub Inspector of  
Police, Perumbavoor P.S. (Cr.No.2521/18)

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

**ORDER**

This petition is filed by the petitioner/accused No.2 for getting permission from the court for availing new passport.

2. The case of the petitioner is that he is the accused in CC 1015/18 on the file of this court (Crime No.2521/18 of Perumbavoor Police Station). The offences alleged against the petitioner/accused No.2 are punishable under Section 341, 323, 294(b), 506(i) r/w 34 of IPC. The petitioner submitted that he is a businessman and it is highly necessary for him to visit Dubai, Abu Dhabi, Sharjah in the Middle East Countries for his business purpose . The petitioner also intends to make pilgrimage to UMRA in Saudi Arabia. For the said purposes the petitioner is in need of passport.

As the petitioner is involved in this case, a permission from the court is required for getting new 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 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 2<sup>nd</sup> accused in Perumbavoor Police Station Crime No.2521/18 alleging commission of offences punishable under Sections 341, 323, 294(b), 506(i) r/w 34 of IPC. 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 getting new passport. Considering the facts narrated, the petition is allowed. Intimate the Regional Passport officer that pendency of this case is not a bar to issue passport to the petitioner for a period of three years. It is made clear that the petitioner/accused No.2 shall not leave the country without obtaining express permission from the court.

(Pronounced by me in open court on the 26<sup>th</sup> day of September, 2025. )

sd/-

Judicial First Class Magistrate-I,  
Perumbavoor