

**IN THE COURT OF THE ADDITIONAL SPECIAL SESSIONS JUDGE,  
(SPE/CBI)-III, ERNAKULAM**

Present :-

**SRI. SHIBU THOMAS, SPECIAL JUDGE.**

Wednesday, the 13<sup>th</sup> day of September, 2023/ 22<sup>nd</sup> Bhadra, 1945.

**Crl. M.P. No. 684 of 2023**

in

**C C No. 4 /2017**

**Petitioner/Accused No 3 :** Muhammed Naina Prabhu,  
Aged 54 years,  
S/o. Mohiyudeen Thampi Prabhu,  
Proprietor, M/s. Munnavara Associates,  
2<sup>nd</sup> Floor, 2032138  
Chandran Chambers Modi Street,  
Fort Mumbai-400001.

*By Advs. Sooraj T. Elenjickal & Athul Roy*

**Respondent/Complainant:-**

Central Bureau of Investigation, represented  
by its prosecutor, CBI-III Court, Ernakulam.

By Adv. M. Navas.

This petition coming on for hearing on 13<sup>th</sup> day of September, 2023 in the presence of Counsel on both sides and having stood over for consideration on the same day the Court passed the following:

## O R D E R

Petition filed by third accused seeking temporary release of his passport for its renewal.

2. The case of the prosecution is that petitioner is a licensed recruiting agent recruiting employees for jobs abroad. Petitioner was arrayed as third accused in the above case and he was granted bail. He is strictly complying all the conditions imposed in the bail order so far. As per the conditions in the bail order, the passport is surrendered before this Court. Petitioner's passport is about to expire on 10.01.2024. In a previous occasion, this Court granted permission to renew the passport for two years vide order dated 23.06.2021 and it was renewed and later surrendered before this Court. Since the case is pending before this Court, permission of this Court is required for renewal of the passport. Hence the petition is filed for renewal of passport for a period of ten years.

3. The learned Public Prosecutor objected the petition but conceded that he has no objection for releasing the passport for the purpose of its renewal for a period of two years.

4. Heard both sides.

5. The point for consideration is, whether there is any sufficient ground to release the passport for its renewal?

6. **The Point:-** The learned counsel for the petitioner submitted that petitioner is a licensed recruiting agent recruiting employees for jobs abroad which involves frequent travel abroad. Validity of the passport of the petitioner is about to expire on 10.01.2024 and it is surrendered before this Court in compliance of said order. It is further submitted that the procedure for renewing the passport will normally take three to five months. Therefore, prayed to release the passport to the petitioner for renewal. The learned Public Prosecutor conceded that he has no objection in releasing the passport for its renewal for a period of two years with conditions to surrender the passport before Court after the renewal at the earliest. Considering the facts, circumstances and stage of this case, I am of the view that releasing the passport to the petitioner for the purpose of renewal will not affect the trial of the case. No other impediment brought to the notice of this Court for renewing the passport of the petitioner. Considering the facts and circumstance of the case, I am of the view that passport can be released for the purpose of renewal for a period of two years. Passport Authority may renew the passport if the petitioner is otherwise eligible and in accordance with law.

In the result, petition is allowed. The petitioner is permitted to take back his passport from the custody of Court with the following conditions:-

1. Petitioner shall execute a bond for Rs. 50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum.

2. Petitioner shall not leave the country without prior permission of this Court.

3. Petitioner shall produce his original passport before this Court immediately after its renewal.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 13<sup>th</sup> day of September, 2023.

Sd/-  
**SHIBU THOMAS**  
**Special Judge, (SPE/CBI) – III**  
**Ernakulam**

**Appendix:- Nil**

Id/-  
**Special Judge, (SPE/CBI)-III.**

Typed by:-  
Compd by:-