

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

Present :-

**SRI. SABARINATHAN. P, SPECIAL JUDGE.**

Wednesday the 11<sup>th</sup> day of December, 2024/20<sup>th</sup> Aghrayana, 1946.

**Crl. M.P No.740/2024**

**in**

**C.C. No.4/2017**

**Petitioner/Accused No.2:** Puthenveetil Joseph Mathew @ P. J. Mathew,  
S/o. Late Thomas Joseph, Muppathil Puthan Veedu  
(Parijath), Opposite St. Joseph Church,  
Karumadi, Ambalappuzha, Now Residing at 102,  
Kings Apartment, Juhu Tara Road, Next to  
Juhu Hotel, Juhu, Mumbai-4000049.

**Represented By** : Advs. M.A. Mohammed Siraj, Rizlana  
Nazar, Cyriac Tom and Naveen.A.Varkey.

**Respondent/Complainant:** Central Bureau of Investigation,  
represented by its Senior Prosecutor,  
CBI-III Court, Ernakulam.

**Represented by** : M. Navas, Senior Public Prosecutor.

This petition coming on for hearing on 09.12.2024 in the presence of Counsels on both sides having stood over for consideration till day the Court passed the following:

**ORDER**

Application is one for return of the passport and to permit the petitioner to renew his passport for a period of ten years.

2. The petitioner is accused No. 2 in the above case, who is alleged to have committed the offence u/s. 13 (2) r/w. 13 (1)(d) of PC Act, Sec. 120B, 420 IPC and Sec. 24 of Emigration Act, 1983. In compliance of order in the bail application, the petitioner has surrendered his passport bearing No. Z 2194742 before this Court and the validity of the said passport was till 07.12.2020. Since the petitioner intended to renew his passport for a period of ten years, he has filed Crl. M.P. 94/2022 and this Court, as per order dated 10.11.2022, has allowed the application in part and the petitioner was permitted to renew his passport for one year only. In compliance of that order, the petitioner has not received back the passport for renewal. Now, he has filed the present application seeking permission of this Court for renewal of the passport for a period of ten years. According to him, he intends to apply

for US Visa, as he is a businessman having clients across the world and besides that, his elder son, Joseph Mathew is settled in USA along with his family. He wishes to visit his son and grandchildren, who are staying in USA. Hence he prays to return the passport referred to above for renewal.

3. Notice in this application has been given to the learned Public Prosecutor and the respondent has filed counter opposing the application.

4. Both sides were heard and perused the records.

5. As stated earlier, the validity of the passport of the petitioner has already expired on 07.12.2020 and the renewal of the passport is very essential for the petitioner. The respondent has opposed the application on the ground that renewal of the passport for a period of ten years is not permissible and the permissible can be given at the most for a period of one year.

6. The learned counsel appearing for the petitioner has argued that absolutely there is no prohibition in permitting the petitioner to renew the passport for a period of ten years, the petitioner has already surrendered his passport before this Court in compliance of the condition

ordered in the bail application, he will apply for renewal of the passport on getting permission of this Court and produce the renewed passport before Court soon after receiving the same. The petitioner will travel abroad only on getting permission of this Court. He has placed reliance on the decisions of the Hon'ble High Court of Kerala in Crl. M.C. No. 7858/2019(B) dated 21.11.2019 (Varghese Vs. The State of Kerala), Crl. M.C. 5271/2023 dated 11.08.2023 (Bibin Philip Vs. The State of Kerala and another), Crl. M.C. No. 1536/2024 dated 05.03.2024 (Thomas Mathew @ Tom Mathew Vs. CBI) and Crl. M.C. No. 1542/2024 dated 12.04.2024 (Thomas Mathew @Tom Mathew Vs. Director of Enforcement). In all these cases, the Hon'ble High Court of Kerala has granted permission to the petitioners therein to renew the passport for a period of ten years. The last two cases referred to above relate to CC. No.4/2017, i.e. this case and SC No. 1533/2023 pending before this Court. Relying on the aforesaid decisions, the learned counsel appearing for the petitioner prays to allow this application. The learned Public Prosecutor submitted that if the petitioner is permitted to apply for renewal of the passport for a period of ten years, there is every chance for the petitioner leaving India to stay USA or other countries for a

continuous period of ten years and that will adversely affect the trial of the present case.

7. I have considered the submissions made by either side and perused the records. As stated earlier, the petitioner has already surrendered his passport before this Court and he agreed to surrender the renewed passport as well before this Court on getting it renewed. Presently, the petitioner is not seeking permission of this Court to travel abroad and his limited prayer in this application is only to issue no objection for renewing the passport for a period of ten years. Since the petitioner agreed to produce the renewed passport before this Court and presently he has no intention to travel abroad, I am of the considered view that no harm will be caused to the prosecution in allowing the application. Moreover, as referred to earlier, in the unreported decisions, the Hon'ble High Court of Kerala has permitted the petitioners in said cases to renew the passport for a period of ten years. It is also relevant that two orders relate to the cases pending before this Court, out of which one is in respect of the present case itself relating to A4. Hence I am inclined to allow this application.

In the result, petition is allowed and permission is granted to the petitioner to renew his passport bearing No. Z 2194742 for a period of ten years and release the passport to the petitioner for the purpose of renewal on following conditions:-

- a) The petitioner shall execute a bond for ₹ 1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum;
- b) The petitioner shall apply for renewal of the passport along with copy of this order;
- c) The petitioner shall produce the renewed passport without delay on getting it renewed from the Passport Officer.

Dictated to the Confidential Assistant, typed by her in computer, corrected by me and pronounced in open Court on this the 11<sup>th</sup> day of December 2024.

Sd/-  
**Sabarinathan. P**  
**Special Judge, (SPE/CBI) – III**  
**Ernakulam**

**Appendix: Nil.**

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

Typed by:  
Compd. by:

Order

in

CrI.M.P 740/2014

in

C.C 4/2017

Dated 11.12.2024