

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

Present :-

SRI. SABARINATHAN. P, SPECIAL JUDGE.

Tuesday the 14th day of January, 2025/24th Pousha, 1946.

Crl. M.P No.36/2025

in

C.C. No. 04/2017

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

Represented By : Advs. Sooraj. T. Elenjickal and Athul Roy.

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 14th day of January, 2025 in the presence of Counsels on both sides having stood over for consideration on the same 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.3 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. W 9208872 (in the application the passport number is mistakenly shown as 698929) before this Court and the validity of the said passport was till 10.01.2024. Since the petitioner intended to renew his passport for a period of ten years, he has filed Crl. M.P. 684/2023 and this Court, as per order dated 13.09.2023, has allowed the application in part and the petitioner was permitted to renew his passport for two years 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 Visa to travel various countries, as he is a businessman having clients across the world and a licensed recruiting agent engaged in

facilitating overseas employment for Indian workers for the past twenty years. 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 no counter has been filed by the prosecution.

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 10.01.2024 and the renewal of the passport is very essential for the petitioner. The respondent has not opposed the application.

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 various 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. W 9208872 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 14th day of January, 2025.

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

Appendix: Nil.

Sd/-
Special Judge, (SPE/CBI) – III

Order

in

CrI.M.P 36/2025

in

C.C 4/2017

Dated 14.01.2025

