

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

Present :-

SRI. SABARINATAN.P, SPECIAL JUDGE.

Monday, the 03rd day of March, 2025/12th Phalguna, 1946.

Crl. M.P. No. 158/2025

in

C C No. 2/2023

Petitioners/Accused Nos. 2 & 3 :

1. K.M. Nazeer, aged 64 years,
S/o.Late Shri.K.B. Mohammed,
Kunnappalli House, Vennala.P.O,
Cochin-682028.
2. Smt. Shabna Nazeer, aged 57 years,
W/o. K.M. Nazeer, Kunnappalli House,
Vennala.P.O, Cochin-682028.

Represented by:

Advs. M.A. Muhammed Siraj,
Harikumar. S, Cyriac Tom, Rizlana Nazer
& Nandakumar.

Respondent/Complainant:-

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

Represented by:

Adv. M. Navas,
Senior Public Prosecutor.

This petition coming on for hearing on 03rd day of March, 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 filed by the accused Nos. 2 and 3 in the above case, seeking permission to renew their passports for a period of ten years.

2. The petitioners are alleged to have committed the offences punishable u/s. 13 (2) r/w. 13 (1)(c) and (d) of PC Act, Sec. 120B r/w. 420 and 409 IPC. They were released on bail by this Court and as per condition of the bail, they are prohibited from leaving India without the permission of the Court. They are having Indian passports bearing Nos. N 1003085 and N 1003060 respectively and the validity of the same expire by 12.07.2025. The petitioners intend to renew their passports for a period of ten years, as they intend to go abroad in connection with their business. Hence they pray permission of this Court for renewal of their passports for a period of ten years w.e.f 12.07.2025.

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 passports of the petitioners to expire by 12.07.2025 and the renewal of the passports is very essential for the petitioners. The respondent has not opposed the application.

6. The learned counsel appearing for the petitioners has argued that in order to obtain visa to travel abroad the validity of the passports should be not less than six months and absolutely there is no prohibition in permitting the petitioners to renew the passport for a period of ten years. The petitioners 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 and SC No. 1533/2023 pending before this Court. Relying on the aforesaid decisions, the learned counsel appearing for the petitioners pray to allow their applications. The learned Public Prosecutor submitted that if the petitioners are permitted to apply for renewal of the passports for a period of ten years, there is every chance for the petitioners 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. 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. Hence I am inclined to allow this application.

In the result, petition is allowed and permission is granted to the petitioners to renew their passports bearing Nos. N 1003085 and N 1003060 respectively for a period of ten years w.e.f 12.07.2025.

Dictated to the Confidential Assistant, typed by her in computer, corrected by me and pronounced in open Court on this the 3rd day of March, 2025.

Sd/-

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

APPENDIX :- Nil.

Sd/-

Special Judge, (SPE/CBI)-III.

Order

in

CrI.M.P 158/2025

in

C.C 2/2023

Dated 03.03.2025