

**IN THE COURT OF THE ADDITIONAL SPECIAL SESSIONS
JUDGE, (SPE/CBI)-III, ERNAKULAM
(SPECIAL COURT FOR TRIAL OF CASES UNDER THE PML ACT)**

Present :-

SRI.SABARINATHAN. P, SPECIAL JUDGE.

Wednesday the 09th day of October, 2024/17th Aswina, 1946.

CrI. M.P No. 568/2024

in

S.C. (PMLA) 01/2023

Petitioner /Accused No.10: Vinod. P.V, aged 49 years,
S/o.Kunnath Prabhakaran, A.P. Varkey
Road, Kakkanad, Ernakulam-682030.

Represented By : AdvS. M.A. Muhammed Siraj,
and Rizlana Nazar.

Respondent/Complainant: Assistant Director, Directorate of
Enforcement, Government of India,
Cochin Zonal Office, Kanoos Castle,
A.K. Sheshadri Road, (Mullassery
Canal Road West), Cochin – 682 011.

Represented By : Govindu P. Renuka Devi,
Special Public Prosecutor.

This petition is coming on for hearing on 08th day of October, 2024 in the presence of Counsel on both sides and having stood over for consideration till day the Court passed the following:

ORDER

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

2. The petitioner is accused No.10 in the above case, who is alleged to have committed the offence u/s.3 and punishable u/s.4 of PMLA. In compliance of order in the bail application, the petitioner has surrendered his passport bearing No. L 9921822 before this Court and the validity of the said passport was till 29.06.2024. Now the petitioner intends to renew his passport for a period of ten years and as such, he has filed the present application seeking permission of this Court for renewal of the passport as referred to above.

3. Notice in this application has been given to the learned Special Public Prosecutor in charge of this case 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 29.06.2024 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 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 Special Public Prosecutor on the other hand has placed reliance on the decisions of the Hon'ble High Court of Kerala, reported in 2009 KHC 557 (S.K. Asok Kumar Vs. State of Kerala) and 2017 (1) KHC 679 (Noushad

H Vs. State of Kerala and another). In the said decisions the Hon'ble High Court of Kerala, by placing reliance on the notification issued by the Ministry of External Affairs, has permitted the petitioners therein to go abroad for a period of six months and one year respectively and issued direction to the Passport Officer for renewal of the passport for the said limited period of six months and one year. So, the learned Special Public Prosecutor argued that permission can be granted to the petitioner to renew the passport, at the most, for a period of one year.

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. 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. L 9921822 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 9th day of October 2024.

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

Appendix: Nil.

Sd/-
Special Judge, (SPE/CBI) – III

Order in Crl.M.P 568/2014
in SC (PMLA) 01/2023
Dated 09.10.2024