

**IN THE COURT OF GRAM NYAYALAYA,VADAVUCODE,
KOLENCHERY**

Present:- Smt. Jaicy Augstine, Nyayadhikari

Dated the 13th day of August, 2025/ 22nd day of Sravana 1947 S.E.

CMP. No. 807/2025 in ST No. 179/2019

Petitioner/Accused No.1 : Sadarudeen, S/o. Nettukudy
Muhammad Kochunny, Nettukudy
House, Pallikkara Ernakulam
District, Kerala State.

(By Adv. K. A Benny)

Respondent : State of Kerala represented by the
Assistant Public Prosecutor,
Grama Nyayalaya, Vadavucode

ORDER

This is an application filed by the 1st accused in ST 179/19 in Crime No. 10/2019 of Kunnathunadu Police Station by seeking permission to renew the passport and go abroad. This case is charge sheeted by the Sub Inspector of Police, Kunnathunadu Police Station for the offences punishable under sections 31 (1) of Protection of Women from Domestic Violence Act, 2005.

2. **The Petitioner's Case:-** The petitioner is the holder of Indian Passport bearing No: N2177259 and the validity of the same was expired on 19.08.2025. When the petitioner approached the Regional Passport Authority with an application to renew his passport, due to the pendency of this case, the petitioner is unable to get the same. Since the petitioner is the sole accused in the case, he wants permission from the court to renew the passport and to go abroad. The petitioner is ready to abide by any condition of this court. Hence this application.

3. The copy of application served to the learned Assistant Public

Prosecutor. Objection filed.

4. Heard both sides.

5. As per Sec. 6(2)(f) of the Passport Act, the passport authority can refuse the issuance of passport or travel document for visiting any foreign country, on the ground of criminal proceedings, pending in respect of an offence alleged to have been committed by the applicant, before a Criminal Court in India. But as per the notification, dated 25/08/1993, issued by the Central Government, exemption has been granted to the citizens, against whom proceedings in respect of the offence alleged to have been committed by them are pending before Criminal Court and who produce an order from the Court concerned permitted them to depart from India, from the operation of this provision.

6. In Asok Kumar V. State of Kerala reported in 2009 (2) KLT 712 and in Muhammad V. State of Kerala reported in 2012 (4) KLT 655, it is held that subject to the conditions fixed by the court a person against whom criminal proceedings are pending can leave India on the basis of travel document issued by competent authorities.

7. Considering the circumstances, I find it just and proper to grant permission to the petitioner to renew passport subject to conditions. Hence, I am inclined to grant permission to the petitioner to renew the passport with a validity period of three years and to go abroad .

8. In the result, the petition is allowed on the following conditions:-

- a) This application is allowed. The petitioner is permitted to apply before the authorities concerned for renewal of passport for a period of three years and the pendency of this case will not be a bar for issuing a passport to the petitioner or going abroad.

- b) The petitioner shall appear before the court as and when required to do so.
- c) The petitioner shall file affidavit to the effect that he will be duly represented by counsel holding vakalath and that he will not dispute his identity during trial.

(Dictated to the Confdl, Asst, transcribed and typed by her, corrected by me and pronounced in open court on this the 13th day of August, 2025)

NYAYADHIKARI