

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

Present:- Smt. Jaicy Augstine, Nyayadhikari

Dated the Monday the 23rd day of August, 2025/ 1st day of Bhadra 1947 S.E.

CMP. No. 850/2025 in ST No. 249/2020

Petitioner/Accused No.1 : Aboobacker, S/o. Pareeth, aged 70 years,
Perumattam House, Pinnarmunda Kara,
Kunnathunadu, Ernakulam District

(By Adv. Paul .K. Varghese)

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 249/20 in Crime No. 992/2019 of Kunnathunadu Police Station by seeking permission to renew the passport and to go on Umra Pilgrimage. This case is charge sheeted by the Sub Inspector of Police, Kunnathunadu Police Station for the offences punishable under section 143, 147, 341, 323 r/w. 149 of IPC.

2. **The Petitioner's Case:-** The petitioner is the holder of Indian Passport bearing No: 5084818 and the validity of the same was expired. 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 two 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 two 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 23rd day of August, 2025)

NYAYADHIKARI