

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-I, HOSDURG

Present: Sri. Abdul Rasik.C, Judicial First Class Magistrate-I, Hosdurg

Dated this the 16th day of June, 2026 / 26th day of Jyaishta, 1947

**Crl. M P No. 03/2026 in Calender Case No.2961/2023 in Crime
No. 887/2023 of Chandra Police Station**

Petitioner/Accused No. 3 : Mohamad Shahil Kulery Valiya Purayil,
Aged 39 years, S/o Muhammad Shafi Hassan,
Cheriyil Veedu, Kaikottukadavu,
South Thrikaripur, Elambachi.P.O,
Hosdurg Taluk, Kasaragod (District)
(Represented by Adv. P.Narayanan, Hosdurg)

Respondent : 1. S.H.O, Chandra Police Station
2. The Regional Passport Officer, Kozhikode

ORDER

The petition has been filed u/s 6(2)(f) and 22(a) of the Passport Act 1967, (hereinafter the Act) by the petitioner/accused No. 3 in the above case for giving intimation to the Passport Authority.

2. **Brief of the petition:-** The petitioner is the accused No. 3 in the above case. He has been charged for the offences u/s. 143, 147, 148, 341, 323, 324, 506 r/w 149 of the IPC. The petitioner submits that he got a job opportunity at Kingdom of Saudi Arabia and his passport will expire on 12.09.2027. He intends to renew his passport. Since the above case is pending, he could not renew his passport and he intends to apply for renewal of the passport. The said application will be considered only if this Court exempts the petitioner from operation of section 6 (2)(f) of the Passport Act. Hence, the petition.

3. The Additional Public Prosecutor opposed the petition and filed an objection contending that offences alleged against the accused is u/s. 143, 147, 148, 341, 323, 324, 506 r/w 149 of the IPC and his personal presence before the Court is required. According to S.H.O, granting permission to the accused to leave India is likely to affect the trial and disposal of the case.

4. Heard both sides and perused entire records.

5. The following points were raised for consideration.

1) Whether the petition is to be allowed?

2) Reliefs and costs?

6. **Points No. 1 and 2:-** The petitioner needs renewal of the passport for job purpose. It is well settled that the Criminal Court is vested with ample powers to issue directions for providing passport for a specific period and the Magistrate can fix the period for traveling abroad or even issue directions to renew the passport for a specified period in accordance with the facts and circumstances of each and every case. Thus, the pendency of a criminal proceeding is not a bar for obtaining a passport or renewing the same or for travel abroad. The learned counsel for the petitioner submitted that if the petition is not allowed, the petitioner would be put to irreparable loss and hardship. The offences alleged against the accused is u/s. 143, 147, 148, 341, 323, 324, 506 r/w 149 of the IPC. The above case is of the year 2023. The petitioner is on bail. The petitioner has undertaken that he shall appear in Court as and when necessary and has also undertaken to abide by any conditions imposed by the Court. Considering all these facts, this Court is of the opinion that the petitioner can be permitted to apply for renewal of the passport by exempting from the operation of S. 6(2)(f) of the Act.

In the result, the petition is allowed as follows:

1. The Passport Officer, Kozhikode or any other competent authority is directed to renew the passport to the petitioner for a period of three years if being otherwise entitled for passport.

Pronounced by me in open court, this the 16th day of June, 2026.

Sd/-
Judicial First Class Magistrate-I
Hosdurg

//True Copy//

Judicial First Class Magistrate-I
Hosdurg