

**IN THE COURT OF THE SPECIAL JUDGE (NDPS ACT CASES), VATAKARA**

Present:-Sri. Biju V G, Special Judge (NDPS Act Cases)

Saturday, the 17<sup>th</sup> day of January, 2026

**CRIMINAL MISCELLANEOUS PETITION NO: 1/2026**

*(Crl. APPEAL. NO. 207/2024)*

**BETWEEN:-**

Suneesh , S/o Kelappan, Aged 37 Years, Idappalli	]	Petitioner/
Thazhakuni, Ponmeri Parambil, Vatakara	]	Appellant
	]	

**AND:-**

State of Kerala Represented by Public Prosecutor,	]	Respondent/
Kozhikode.	]	Complainant

This petition coming on this 17<sup>th</sup> day of January 2026 for hearing before me upon perusing the petition and upon hearing the arguments of Sri. M V Sajeevan Advocate for Petitioner/Appellant and of Addl. Public Prosecutor on behalf of the State, and the court passed the following:

**ORDER**

The petition is filed by the petitioner seeking permission to apply for and obtain a passport.

2. The petitioner is the appellant in the appeal filed against the conviction and sentence imposed by the trial court. The appeal is presently posted for hearing.

3. The case of the petitioner is that he could not take steps for renewal of his passport as he had forgotten the validity period. Since the appeal is pending,

the passport authority will not issue a passport without the permission of this Court. The petitioner undertakes that he will not go abroad without the permission of the Court and expresses readiness to comply with any conditions imposed. Hence, the present petition has been filed.

4. Notice of the application was served on the learned Special Public Prosecutor. No objection has been raised by the respondent.

5. Heard both sides.

6. The point that arises for consideration is:

“Whether the petitioner is entitled to the relief claimed in the petition?”

7. **The Point:** The petitioner seeks permission to obtain a passport for going abroad. The respondent has not opposed the petition.

8. It is relevant to note that the permission of the Court to go abroad is not necessary in view of the decision in *Moosa Pattupara v. State of Kerala* [2022 (2) KHC 293]. In the said decision, the Honourable High Court held that an accused in a pending criminal case who holds a valid passport need not obtain permission from the Court for visiting a foreign country in terms of Notification GSR 570(E) dated 25.08.1993 read with Section 6(2)(f) of the Passports Act, 1967. Only where bail conditions impose a restriction on leaving the country is the accused required to seek relaxation or modification of such condition.

9. In the present case, no such condition was imposed by the Court while suspending execution of the trial court sentence and directing the petitioner

to execute the bail bond. The petitioner has also undertaken that he will not go abroad without the permission of the Court.

10. In view of the foregoing discussion, I am inclined to accede to the prayer of the petitioner. Accordingly, permission is granted to the petitioner to renew his passport or apply for and obtain a passport having validity period of five (5) years. The point is found accordingly.

In the result, the petition is allowed, and the passport authorities are directed to renew the passport or issue a passport valid for five (5) years to the petitioner subject to the fulfillment of all other criteria and requisite formalities in that regard.

(Dictated to the Confidential Assistant, transcribed and typed by her and corrected and pronounced by me in Open Court, this the 17th day of January, 2026)

Sd/-

**Addl. District & Sessions Judge**

**//True Copy//**

**SHERISTADAR**

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