

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE,
SASTHAMCOTTA

Present: Kumari.Reshma Rajan, Civil Judge (Junior Division)

Dated this the 12th day of May, 2026

Crl.MP No. 1/2026 in CC.131/2020

Petitioner : Sharafudeen, Aged 55 years,
S/o Puthumali Rawther,
Pirushapurayidom, Veedu,
Kumpazha Muri,
Pathanamthitta Village.
(By.Adv.Ansar Shafi.M)

Counter :R1- State represented by Asst. Public
Petitioners/Respondents Prosecutor, Sasthamcotta in crime
No 577/2020 of Sasthamcotta
Police Station.

:R2- The Regional Passport Officer,
Thiruvananthapuram,

Subject : Petition filed u/s.22(A), 6(2)(f) of the
Passport Act, 1967.

Order : Petition is allowed

ORDER

This is a petition filed by the third accused in CC 131/2020 seeking direction to the Passport Officer to issue passport to the petitioner.

2. The brief averments in the petition is as follows: The petitioner is the third accused in CC 131/2020 (Crime No 577/2020

of Sasthamcotta Police Station) registered u/s 342, 353, 332, 294(b) r/w 34 of IPC and he has already obtained bail. If the petitioner apply for getting passport from the second respondent, there is every chance of rejecting his application by the passport authorities citing the pending case. The petitioner is now in need of permission from this court for availing new passport. The permission was sought in accordance with Notification No.G.S.R.570(E) dated 25.08.1993, issued by Central Government under S.22 of Passport Act. Hence this petition

3. Heard the learned counsel for the petitioner and learned APP.

4. The petitioner contended that he has to issue passport for Umra as well as personal purposes. Hence this petition is filed to give direction to the Passport Officer to issue passport. On the other hand the learned Assistant Public Prosecutor has contended that if the petition is allowed there is every chance of protract the proceedings of the case.

5. On analysis of Clause (f) of sub-section (2) of S.6 of the Act it can be seen that the passport authority shall refuse to issue a travel document for visiting any foreign country on the ground that

the proceeding in respect of an offence alleged to have been committed by the applicant concerned is pending before a Criminal Court in India. According to the Notification dated 25/08/1993 issued by the Ministry of External Affairs, the Government of India has exempted the citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the Court concerned permitting them to depart from India, from the operation of the provisions of clause (f) of sub-section (2) of S.6 of the Act. If the Court concerned permits a person to leave India, the passport authority may issue a travel document to him even if he is accused of an offence.

6. In **Thadevoose Sebastian v. The Regional Passport Officer and Another (2021 (5) KHC 625)**. The Hon'ble High court of Kerala held as follows :

On an appreciation of the aforesaid decisions, it can be seen that the Courts have been constantly holding that the pendency of a criminal proceeding is not a bar for obtaining a passport or for travelling abroad. However, the only requirement in such cases is that the Court where the criminal proceeding is pending, must grant permission for the period of such travel or the period for which the passport can be issued. Based upon such permission, the passport issuing authority can issue the requisite document

enabling travel.

7. Considering the facts and circumstances of the case this court is of the view that a criminal proceeding is not a bar for issuing passport for the purpose searching job or meeting personal needs. Hence petition is allowed as follows:

- i) The Passport Officer is authorized to issue passport if the petitioner is otherwise entitled to i.e., the pendency of this criminal case is not a bar for issuing passport to the petitioner.
- ii) The petitioner shall produce a certified copy of this Order before the Regional Passport Officer, Regional Passport Officer, Thiruvananthapuram accordingly.
- iii) The petitioner shall not leave the country without express permission of this court.
- iv) The passport shall be produced before the court as and when directed.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 12th day of May, 2026)

Sd/-

//True copy//

Civil Judge (Junior Division)

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