

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS - II,
SOUTH PARAVUR, KOLLAM**

**Present :- Smt. Chithralekha N S
Judicial Magistrate of the First Class**

Dated the 1st day of November, 2025

CMP 2121/2025 IN CC 402/2020

- Petitioner/ Accused : Sreekumar, Aged 26, S/o. Suresh,
Njarottukavu Purayidam, Kalakkodu P.O,
Poothakkulam Village.
(By Adv. V Minimol)
- Respondent : State represented by the Sub Inspector of Police,
Paravur Police Station in Cr.No. 1695/2020.
(By Assistant Public Prosecutor, Paravur)
- Order : Petition Allowed.

This petition coming on for hearing before this court today and the court on the same day passed the following:-

ORDER

1. This is a petition filed by the counsel for the petitioner on behalf of the petitioner under the Passports Act, 1967 seeking permission for renewing the passport of the petitioner. The petitioner is the sole accused in CC 402/2020 (Crime No. 1695/2020 of Paravur Police Station) on the file of this court. The offences alleged against the petitioner/ accused are punishable U/ss. 279, 337, 338 of IPC, Sec. 134(a)(b) and Sec. 3(1) r/w 181 of the Motor Vehicles Act.

2. The petitioner filed this petition as follows:

The petitioner is the sole accused in CC 402/2020. The offences alleged

are under sections 279, 337, 338 of IPC, Sec. 134(a)(b) and Sec. 3(1) r/w 181 of the Motor Vehicles Act. The petitioner stated that he has been working at Riyadh and the validity of his passport bearing no. Y8505885 has already expired on 29.08.2025. The passport authority has withheld the application due to the pendency of this case before this court. Hence this petition.

3. Report was called for from the police.

4. Heard the learned APP and learned counsel for the petitioner. Perused records.

5. For proper consideration of this petition, it is necessary to extract the notification dated 25th August, 1993 issued by the Government of India, Ministry of External Affairs published in The Gazette of India Extra-ordinary Part II – Sec.3 Subsection(i) on 25th August 1993. It reads as follows:

G.S.R. 570(E) – In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts 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 provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely :--

(a) the passport to be issued to every such citizen shall be issued –

(I) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passports shall be issued for a period one year.

(iii) if such order gives permission to travel abroad for a period

less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or
(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court, and provided further that, in the meantime, the order of the court is not cancelled or modified.

(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a period for travel abroad.

(d) the said citizen shall give an undertaking in writing for the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

6. By the above notification, the citizen 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 produces orders from the court concerned permitting them to depart from India are exempted from the operation of provisions of clause (f) of sub-s.(2) of S.6 of the said Act.

7. In *Ashok Kumar v. State of Kerala* 2009(2) KLT, the Hon'ble High Court of Kerala held that the petitioner even if involved in criminal offences can be allowed to go abroad for a specific period and the court can grant no objection to apply for fresh passport for said purpose.

8. In the instant case, the accused was enlarged on bail, two witnesses were examined and nine witnesses are yet to be examined. The petitioner has already deposited Rs. 10,000/- as per order in vide CMP No. 464/2023 dated 10.07.2023. The proceedings to culminate there might require a period of time which cannot be predetermined. Therefore, I find it is proper that the petitioner may be permitted to renew his passport for a period of two years from the date of this order.

9. For the aforesaid reason, permission is granted to the petitioner to renew his passport for a period of two years from the date of this order subject to the following conditions:

- (1) The counsel for the petitioner shall file an affidavit on behalf of the petitioner to the effect that he shall not dispute his identity when trial goes in his absence and shall always be represented by the Lawyer and that evidence could be recorded in his absence.
- (2) The petitioner shall appear before this court as and when required by this court.
- (3) Petitioner shall not take up permanent residence in any foreign country without permission of the court.

Issue copy of this order to the Passport Officer concerned.

(Dictated to the Confidential Assistant transcribed and typed by her corrected by me and pronounced in Open Court on this the Saturday, the 1st day of November, 2025).

Sd/-
Judicial Magistrate of the First Class - II,
Paravur