

**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 12th day of March, 2026

CMP 1/2026 IN CC 1682/2015

Petitioner/ Accused : Nalin Potti Vamadevan Potti @ Nalin Potti,
Aged 60, S/o. Vamadevan Potti, Nalinapuri,
Mevanakonam, Kalluvathukkal P.O., Kollam.
(By Adv. N Sugathan)

Respondent : State represented by the Sub Inspector of Police,
Parippally Police Station in Cr.No. 581/2015.
(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 petitioner under the Passports Act, 1967 seeking new passport to go abroad. The petitioner is the sole accused in CC 1682/2015 (Crime No. 581/2015 of Parippally Police Station) on the file of this court. The offences alleged against the petitioner/ accused are punishable U/ss. 294(b), 341, 323, 354 and 506 (Para-2) of IPC.

2. The petitioner filed this petition as follows:

The petitioner is the sole accused in CC 1682/2015. The offences alleged are under sections 294(b), 341, 323, 354 and 506 (Para-2) IPC. The petitioner intends to go abroad in connection with his employment. Hence he has applied for new passport before the passport authority. The verification process was put on hold 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 the relevant 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 meantimes, 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, as 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 said notification, the citizen's 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 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 and four witnesses are yet to be examined. 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 obtain a temporary passport for a period of two years.

9. For the aforesaid reason, the court has no objection in obtaining the new passport to him with two years validity period from the date of this order and the petitioner is permitted to go abroad for a period of two years from the date of this order subject to the following conditions:

- (1) Petitioner shall produce a photocopy of the passport duly attested by petitioner and his counsel upon receipt of the same.
- (2) In case a visa is issued to the petitioner, the petitioner shall produce a photocopy of the said visa, attested as above, prior to his actual travel abroad.
- (3) Petitioner shall file an affidavit to the effect that he shall not dispute his identity when trial goes in his absence and shall always be represented by his Lawyer and that evidence could be recorded in his absence.
- (4) The petitioner shall intimate the proposed date of his leaving India and his address abroad and he shall appear before this court as and when required by this court.
- (5) Petitioner shall not take up permanent residence in any foreign country without permission of the court.
- (6) Petitioner shall execute a self bond for Rs.1,00,000/- (Rupees One Lakh only).
- (7) The petitioner shall also furnish cash security of Rs. 10,000/- (Rupees Ten Thousand only) for fulfillment of the aforesaid conditions.

(8) Petitioner shall file an affidavit agreeing to comply with the above conditions and further agreeing that the amount in the bond will be realised on violating of any of the above conditions.

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 Thursday, the 12th day of March, 2026).

Sd/-

**Judicial Magistrate of the First Class - II,
Paravur**