

GRAM NYAYALAYA, CHADAYAMANGALAM

Present: Amal. S, Nyayadhikari,

Civil Judge (Junior Division).

Monday, 4th day of August, 2025(13th day of Sravana, 1946)**C.M.P .217/2025 in S.T No. 228/2018****of Kadakkal Police Station.**

Petitioner	:	Manu S/o Kunjukrishnan Pillai, Deepam, Kottukkal P.O. Anchal, Kottukkal, Kollam. <i>(By Adv. A. Nishadh)</i>
Respondent	:	1. State, represented by the Sub Inspector of Police, Kadakkal Police Station in Crime No.216/2018. 2. Regional Passport officer, Passport Office, Thiruvananthapuram. <i>(By APP, Chadyamangalam)</i>
Petition	:	U/s. 22 of the Passports Act 1967.
Order/ Sentence	:	Petition is allowed.

This application having been heard today and the court on
passed the following:

ORDER

1. This is an order passed in the application filed by the petitioner/
5th accused in the final report seeking permission to renew his

passport.

2. The pith of the prosecution case is that on 05.12.2018 by 20.00 Hrs in furtherance of their common intention, the petitioner who were member of an unlawful assembly, the common object of which to inflict injury to the defacto complainant wrongfully restrained and yelled obscene words at him and caused hurt on various parts of his body and criminally intimidated him. Thereby the petitioner/ 5th accused is alleges to have committed offences punishable under sections 143,147,341, 294(b),506(i) and 149 of the Indian Penal Code, 1860.
3. Heard the learned A.P.P and counsel for the petitioner.
4. The petitioner is the sole accused herein. It is inter alia, averred that he has procured a job in a foreign nation for which he intends flying abroad. He made an application before the Passport Officer, Thiruvananthapuram to renew his passport bearing No. T0566100. In that application, S.H.O, Kadakkal gave a verification report as to the involvement of the petitioner/ 5th accused in the aforementioned crime. Considering the pendency of the criminal case against him, the S.H.O directed him to produce the judgment in the case. If he is unable to obtain the

passport and go abroad, his counsel argued, that he will be put to irreparable loss and injury and therefore the learned counsel craved for the permission of this court for the renewal of the passport for a period of 3 years during the pendency of the criminal proceedings against the petitioner.

5. This court has gone through the materials produced by the petitioner/5th accused in support of his case and those of the judicial precedents on that matter.
6. The Hon'ble High Court of Kerala in **Umesh vs Union of Indian and Another (2019 KHC 4848)**, wherein it is held that the pendency of a criminal case is not a bar to renewal of passport if the applicant obtains permission from criminal court concerned to travel outside India. If the applicant is granted permission to travel abroad, then he has to produce the said order before the Passport Officer who will thereupon renew the passport.
7. The petitioner/accused sought permission in accordance with notification No: G.S.R. 570(E) dated 25-8-1993 (published in the Gazette of India, Extra Part II S.3 dated 25-8-1993) issued by the Central Government under cl.(a) of S.22 of the Passports Act 1967. As per the said notification, it is only if the criminal court before which the case of the applicant is pending permits him to

depart from India, will the applicant be exempted from the operation of the provisions of cl.(f) of sub S. (2) of S. 6 of the said Act and the same shall be subject to conditions such as that period specified by the court for the issuance of Passport etc.

8. The petitioner/ 5th accused was enlarged on bail and he is facing trial now . The case is of the year 2018 and the chance of trial being completed any time soon is scant. The presence of the petitioner/ 5th accused in all the posting dates is not necessary. Considering the nature and gravity of the offence , this court has no objection in renewing the passport of the petitioner/ 5th accused. Hence the Passport Officer concerned can consider the renewal of the passport upon application of the petitioner/accused by ignoring the pendency of the case and it is hereby clarified that this order is binding only to the aforementioned crime alone.
9. Considering the directions issued by the Hon'ble High Court and the principles laid down in **Asok Kumar V. State of Kerala (2009(2) KLT 712)** and **Muhammed V. State of Kerala (2012 (4)KLT 655)**, an order is passed on the following terms:-

1. Petitioner/ 5th accused is permitted to renew the passport

from the Passport Officer concerned if he is not otherwise disqualified.

2. The validity period of the passport shall be 2 years from the date of its renewal.
3. The petitioner must submit the renewal application to the jurisdictional Passport officer within three weeks from today.
4. This directive is solely for the renewal of the passport and should not be construed as permission to travel abroad without the court's authorization.

(Directly typewritten into my personal laptop, corrected and pronounced by me in the open court on this, the 4th day of August, 2025)

Sd/-

**Nyayadhikari,
Gram Nyayalaya,
Chadayamangalam.**

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**Gram Nyayalaya,
Chadayamangalam.**

