

**IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS,
TALIPARAMBA**

Present:- Sri.**Prasanth.K.N**, Additional District and Sessions Judge

Wednesday, the 18th day of February, 2026/ 29th Magha, 1947

Crl.M.P. Nos. 03/2026 & 04/2026 in SC 150/2018

(C.P.No. 128/2017 of Judicial First Class Magistrate, Taliparamba)

(Crime No. 107/2017 of Sreekandapuram Police Station)

Crl.MP. 03/2026

Aswin.C.S, C/o.Beena.T.S, aged 28 years,
Kalyanpuri (H), Chirakuzhipadanna, Near
Chembaka Housing Colony, Chalapuram, Kasaba,
Kozhikode, Kerala – 673 002.

Petitioner/
Accused No.3

Vs.

SHO, Sreekandapuram Police Station
represented by Additional Public Prosecutor.

Respondent/
Complainant

Petition filed under **Sections 22(a) and 6(2)(f)** of the **Passport Act**.

Crl.MP. 04/2026

Aswin.C.S, C/o.Beena.T.S, aged 28 years,
Kalyanpuri (H), Chirakuzhipadanna, Near
Chembaka Housing Colony, Chalapuram, Kasaba,
Kozhikode, Kerala – 673 002.

Petitioner/
Accused No.3

Vs.

SHO, Sreekandapuram Police Station
represented by Additional Public Prosecutor.

Respondent/
Complainant

Petition filed under **Section 355** of the BNSS to exempt the petitioner.

These petitions are coming on this day for hearing before me in the presence of Sri.Joju J Mannoor, Advocate for the Petitioner/Accused No.3 and the Court passed the following:-

COMMON ORDER

Crl. M.P 03/2026

1. This petition is filed under **Sections 22(a) and 6(2)(f)** of the **Passport Act** to grant permission to the petitioner to travel abroad and to issue no objection for the issuance of a passport.

Crl. M.P. 04/2026

2. This petition is filed under **Section 355** of the **BNSS** to exempt the petitioner from his appearance.

The facts of the case

3. The petitioner is the third accused in **Crime No. 107/2017** of Sreekandapuram Police Station, for the alleged offences under **Section 395 of the IPC**. The petitioner wants to go abroad for employment and has filed the above petitions.

4. The Station House Officer has filed an objection report, raising concerns about the possibility of fleeing from justice and contending that the trial will be dragged out.

5. Heard both sides and perused the records.

Points raised for consideration

- 1. Can permission be granted to the petitioner to go abroad?*
- 2. Is the petitioner entitled to a no objection to issue a passport?*
- 3. Is the petitioner entitled to the exemption from his appearance?*

Discussion on Points 1 to 3

6. These points are considered together for brevity. In exercise of the powers conferred under **Section 22(a)** of the Act, the Central Government issued a notification, **GSR 570 (E), dated 25.08.1993**, exempting the rigours of **Section 6(2)(f)** of the Act, subject to certain conditions. It is relevant to note that by **Section 22** of the Act, the Central Government is empowered to exempt any person or class of persons from the operation of the provisions of the Act.

7. In *Moosa Pattupura V. State of Kerala, 2022(2) KHC 293*, the Hon'ble High Court held that the principles laid down in *Bhaskar Industries Limited V. Bhiwani Denim, AIR 2001 SC 3625*, for granting exemption from personal appearance to the accused can be applied in appropriate sessions cases as well. Moreover, the pendency of a criminal case alone shall not be the sole reason for rejecting an application seeking permission to travel abroad by the petitioner.

8. However, the Station House Officer filed an objection report, primarily raising concerns about the possibility of the petitioner fleeing from justice. It is important to reiterate that the petitioner is on bail, having executed a bond, and has regularly appeared before the Court, demonstrating his unwavering commitment to the legal process. This court, after careful consideration of the circumstances, is of the view that the apprehension expressed by the police can be addressed by imposing stringent conditions.

9. Apart from that, the right to travel abroad is a fundamental right guaranteed under **Article 21** of the Constitution of India. As per the decision of the constitutional courts in *Francis Manjooran V. Government of India, 1965 KHC 290* and *Maneka Gandhi v. Union of India, AIR 1978 SC 597*, it is held that no person shall be deprived of his right to go abroad unless there is a law made by the state prescribed in the procedure for so depriving him and it shall strictly in accordance with such procedure.

10. Based on the above discussions, I am of the view that the prayer can be allowed with stringent conditions. The points are answered accordingly.

Resultantly, the petitions are allowed on the following conditions.

1. If he is not otherwise ineligible, permission is granted to the petitioner to go abroad for two years, from **21.02.2026** to **21.02.2028**.
2. The petitioner is exempted from his appearance for two years, from **21.02.2026** to **21.02.2028**.
3. Since permission to travel abroad for two years has already been granted, this court has no objection to renewing or issuing a passport to the petitioner for the above period if otherwise permissible and eligible as per the Passport Act and Rules.
4. The petitioner shall not dispute his identity or object to the trial being conducted in his absence and shall file an affidavit for the same.

5. Duly authorized counsel shall represent the petitioner on every posting date. *However, whenever the court directs his appearance, he shall appear before the court irrespective of the permission granted.*
6. The petitioner shall execute an additional bond for **₹1,00,000** (Rupees One Lakh only), each with two solvent sureties.
7. The petitioner shall deposit a sum of **₹20,000** (Rupees Twenty Thousand only) as cash security.
8. *Needless to say*, if the petitioner fails to comply with any of the conditions, the amount of bond executed at the time of bail, with the new bond, and the cash deposit will be forfeited.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 18th day of February 2026).

Sd/
ADDL. DISTRICT AND SESSIONS JUDGE
TALIPARAMBA

Appendix :- Nil

Sd/
ADDL. DISTRICT AND SESSIONS JUDGE,
TALIPARAMBA