

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

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

Monday, the 16th day of March, 2026/ 25th Phalguna, 1947

Crl.M.P. No. 02/2026 in SC 765/2024

(C.P.No. 57/2024 of Judicial First Class Magistrate, Payyanur)

(Crime No. 715/2024 of Payyanur Police Station)

Faisal.M.K, S/o.Shamsudheen Narikkodan,
aged 46 years, Nafeesa Manzil, Vengara,
Palakode (PO), Kannur Dist. 670305.

Petitioner/
Accused

Vs.

SHO, Payyanur Police Station
represented by Additional Public Prosecutor.

Respondent/
Complainant

Petition filed under **Section 6(2)(f)** of the **Passport Act**.

These petitions are coming on this day for hearing before me in the presence of Sri.Jayadevan.P, Advocate for the Petitioner/Accused and the Court passed the following:-

ORDER

1. This petition was filed under **Section 6(2)(f)** of **The Passport Act, 1967**, to obtain a no-objection certificate for the petitioner to renew his passport.

The facts of the case

2. The petitioner is the sole accused in Crime No. 715/2024 of Payyannur Police Station for the alleged offences under **Sections 126(2) and 110** of the **BNS**. The petitioner wants to renew his passport and has filed the

above petition to obtain a no-objection from the court.

3. The Station House Officer has filed an objection report, raising concerns about the possibility of the petitioner fleeing from justice and contending that the case is ripe for trial.

4. Heard both sides and perused the records, and the following point was raised for consideration.

Points for consideration

Is the petitioner entitled to a no-objection certificate for renewing his passport?

Discussion on Point

5. 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.

6. 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.

7. It is held in ***S.K. Asok Kumar V. State of Kerala, 2009 KHC 557*** and ***Mohammed Shafi V. Regional Passport Officer, 2017 (2) KHC 484***, that *“the criminal court is vested with the ample powers to issue a direction for providing a passport for a specific period, in accordance with the facts and circumstances of each case.”* In ***Thadevoose Sebastian V. Regional Passport Officer, 2021 (5) KHC 625***, the Hon’ble High Court issued some directions for the issuance of passports and found that it is a balance to competing claims of fundamental right to travel abroad and the need to ensure the presence of the accused during trial.

8. 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 with two solvent sureties and has regularly appeared before the Court, demonstrating his unwavering commitment to the legal process. Furthermore, 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. Thus, the apprehension expressed by the police can be addressed by imposing conditions.

9. Based on the above discussions and the pendency of the cases before this court, this court is of the view that the case will not be taken up for

trial shortly, and the petitioner's prayer can be allowed with conditions. The point is answered accordingly.

Resultantly, the petition is allowed on the following conditions.

1. This Court has no objection to renewing or issuing a new passport to the petitioner, if otherwise permissible and eligible as per the Passport Act and Rules.
2. *Needless to say*, if the petitioner wants to go abroad, he should seek separate permissions for exemption and others.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 16th day of March 2026.)

Sd/
ADDL. DISTRICT AND SESSIONS JUDGE
TALIPARAMBA

Appendix :- Nil

Sd/
ADDL. DISTRICT AND SESSIONS JUDGE,
TALIPARAMBA