

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

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

Tuesday, the 17th day of February, 2026/ 28th Magha, 1947

Crl.M.P. Nos. 03/2026 & 04/2026 in SC 470/2025

(C.P.No. 43/2025 of Judicial First Class Magistrate,Payyanur)

(Crime No. 304/2025 of Pariyaram Medical College Police Station)

Crl.MP. 03/2026

Mini.V.V, W/o.Radhakrishnan, aged 42 years,
Vadakkedath Veedu, Puniyancode, Mathamangalam
Bazar (PO), Eramam Village, Payyanur Taluk,
Kannur District.

Petitioner/
Accused No.3

Vs.

SHO, Pariyaram Medical College Police Station
represented by Additional Public Prosecutor.

Respondent/
Complainant

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

Crl.MP. 04/2026

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represented by Additional Public Prosecutor.

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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.K.Anoop Kumar, 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 **Section 6(2)(f)** and **Section 22(a)** of the **Passport Act** to obtain a no-objection for issuing passport, and to grant permission to the petitioner to travel abroad.

Crl. M.P. 04/2025

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. 304/2025** of Pariyaram Medical College Police Station, for the alleged offences under **Sections 103(1), 332(a), 45(c), 61(2)(a) r/w 3(5) of BNS, 3(1) r/w 25(1B) (a), 7(a), 27(3) of Arms Act**. The petitioner wants to go abroad for employment and has filed the above petitions.

4. The gist of the prosecution allegation is that the first accused was in an extramarital illicit affair with the petitioner, who was the wife of the deceased, and both hatched a criminal conspiracy on 08.03.2025, at MTP residency, Payyannur. In pursuance of the conspiracy, on 23.02.2025, the first accused collected an unlicensed gun from the second accused and at 19.05 hrs., he trespassed into the house of the deceased situated at Kaithapram in Panappuzha Amsom. The first accused hid in the house and waited for the deceased to arrive, and he shot the left chest of the deceased with a gun, and the deceased succumbed to death. The first accused committed the murder with the

aid of the second accused and due to the abetment of the petitioner, with an intention of causing his death. Thus, the accused is alleged to have committed the aforementioned offences.

5. The Station House Officer has filed an objection report, raising concerns about the seriousness of the crime, tampering with prosecution evidence, the possibility of fleeing from justice and contending that the trial will be dragged out. The public prosecutor vehemently opposed the applications by pointing out the seriousness of the case.

6. Heard both sides and perused the records.

Points raised for consideration

1. *Is the petitioner entitled to a no-objection for renewing her passport and permission to go abroad?*
2. *Is the petitioner entitled to the exemption from her appearance?*

Discussion on Points no.1 and 2

7. 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.

8. 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.

9. However, the Station House Officer filed an objection report, primarily raising concerns that the petitioner might flee justice. It is important to reiterate that the petitioner is on bail with two solvent sureties and has regularly appeared before the Court, demonstrating her 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.

10. 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 her 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.

11. 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.

12. This is a case of 2025, and considering the pendency of the cases in this court, including 23 high-profile murder cases from 2011 onwards, there is no possibility of starting the trial in the near future. At the same time, the apprehension expressed by the prosecution can be addressed by imposing necessary conditions. Aforesaid reasons, despite the seriousness of the crime, this court is inclined to allow petitions with stringent conditions. The points are answered accordingly.

Resultantly, the petitions are allowed on the following conditions.

1. If she is not otherwise ineligible, permission is granted to the petitioner to go abroad for two years, from **20.02.2026** to **20.02.2028**.
2. The petitioner is exempted from her personal appearance for two years, from **20.02.2026** to **20.02.2028**.
3. Since permission to travel abroad for two years has already been granted, this Court has no objection issuing passport to the petitioner for the above period if otherwise permissible and eligible as per the Passport Act and Rules.

4. The petitioner shall produce a copy of her new passport and file an affidavit disclosing the details relating to the travel period and the overseas address.
5. The petitioner shall not dispute her identity or object to the trial being conducted in her absence and shall file an affidavit for the same.
6. Duly authorized counsel shall represent the petitioner on every posting date. **However, whenever the court directs her appearance, she shall appear before the court irrespective of the permission granted.**
7. The petitioner shall execute an additional bond for **₹1,00,000** (Rupees One Lakh only), each with two solvent sureties.
8. The petitioner shall deposit a sum of **₹50,000** (Rupees Fifty Thousand only) as cash security.
9. *Needless to say*, if the petitioner fails to comply with any of the conditions, the amount of the 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 17th day of February 2026).

Sd/
ADDL. DISTRICT AND SESSIONS JUDGE
TALIPARAMBA

Appendix :- Nil

Sd/
ADDL. DISTRICT AND SESSIONS JUDGE,
TALIPARAMBA