

IN THE COURT OF SESSIONS KOTTAYAM DIVISION

Present: Smt. Lilly K., Addl.Sessions Judge-1, Kottayam

Wednesday the 27th day of August, 2025
5th day of Bhadra, 1947

Crl.M.P. Nos.1110/2025 & 1111/2025 in S.C.No.467/2025

Crl.M.P. No.1110/2025

Petitioner/Accused :

Ansil M.A, Aged 39 years,
S/o. Abdul Khader, Razeena Manzil,
Kummanam P.O., Kottayam.

By Adv.Nrupen Vadakken

Counter Petitioner/Respondent:

State of Kerala represented by
by the Public Prosecutor
Kottayam

By Addl. Public Prosecutor Smt. Meera S.S

Crl.M.P. No.1111/2025

Petitioner/Accused :

Ansil M.A, Aged 39 years,
S/o. Abdul Khader, Razeena Manzil,
Kummanam P.O., Kottayam.

By Adv.Nrupen Vadakken

Counter Petitioner/Respondent:

State of Kerala represented by
by the Public Prosecutor, Kottayam

By Addl. Public Prosecutor Smt. Meera S.S

Crl.M.P.No.1110/2025 is an application filed by the accused for getting back his passport and Crl.M.P.No.1111/2025 is an application seeking permission to go abroad.

These Crl.M.Ps. having been finally heard on 26.08.2025 and the Court on 27.08.2025 passed the following :

COMMON ORDER

Crl.M.P.No.1110/2025 is an application filed by the accused for getting back his passport and Crl.M.P.No.1111/2025 is an application seeking permission to go abroad.

2. Crime was registered for offences under Sections 115(2), 126(2), 351(2) of Bharatiya Nyaya Sanhita and Section 75 of Juvenile Justice (Care and Protection of Children) Act. It was claimed that petitioner is conducting business in Dubai and it is his only source of income. While granting bail as per the direction of the court in Crl.M.C.No.735/2025, petitioner had produced his passport No. T 9619432. Passport is now kept in the custody of the

court. Petitioner is not in a position to manage his business abroad and it will affect his source of income. Hence petitioner has to go Dubai and he sought to return his passport. He is ready to abide by any condition. Petitioner sought permission in CrI.M.P.No.1111/2025 to go abroad. It was stated that he could not go abroad for the last 3 months to look after his business. Petitioner also filed affidavits stating that in case permission is granted to go abroad, the petitioner will not dispute identity during trial and he has no objection in conducting trial in his absence and sought permission to go abroad.

3. The S.I. of Police, Kumarakom filed report stating that accused had treated his own child with cruelty and assaulted the child on 12.04.2025 at 07.30 a.m. and did not permit him to go to school and insisted that he should pursue religious studies alone. It was stated that Passport No. T9619432 was produced before the Investigating Officer as per Order in CrI.M.C.No.735/2025. It was produced as per Form No.15. The investigation is over and final report was submitted on 29.05.2025.

4. Heard both sides.

5. According to the learned counsel for the petitioner, the petitioner is ready to abide by any condition and his business is at Dubai and unless permission is granted to go abroad, his livelihood will be affected.

6. Records reveal that passport of the petitioner was surrendered as per the direction in CrI.M.C.No.735/2025 while pre-arrest bail was granted by the Sessions Court. The passport was produced before the court by the Investigating Officer and the same is kept in the custody of the court. The investigation is completed and final report has been filed. The accused is on bail.

7. It is settled position as laid down in **Mohammad V. Union of India and Others** [2018 (4) KHC 945], a criminal proceeding is pending only when cognizance is taken. In view of the settled legal positions in **Muhammad Shafi V. Regional Passport Officer** reported in 2017 (2) KHC 484 and **Akhilesh V State of Kerala** reported in 2021(2) KHC 752, a criminal court is having ample powers to issue directions for providing passport for a specific period and the

court can fix the period for traveling abroad or even issue directions to the Passport Officer to issue passport for a specified period in accordance with the facts and circumstances of each case. Gravity of the offence cannot be the sole basis to decline permission to go abroad for a short period.

8. In view of the fact that the final report was filed for offences under Sections 115(2), 126(2), 351(2) of BNS and Section 75 of JJ Act; cognizance was taken and the case was taken on file as SC No.467/2025, it has to be treated as a criminal case pending against the accused and permission is required from the court under Section 6 of the Passport Act. The passport surrendered by the petitioner is kept in the custody of the court. Charge was framed against the accused on 26.08.2025. The case stands posted for complying Rule 19(4) of Criminal Rules of Practice. There is no chance for completing the trial of the case soon. Hence it is found that the passport can be returned to the petitioner and permission can be given to the accused to go abroad for a period of 6 months. The accused shall appear for trial as and when

required.

In the result, both the applications are allowed. Passport of the accused is ordered to be returned to him. Permission is granted to go abroad (Dubai) for a period of 6 months. Accused shall appear as and when directed during trial.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open Court, on this the 27th day of August, 2025.

Sd/-
Lilly K.
Addl. Sessions Judge - I,
Kottayam.

//True Copy//

By Order

Copied by:
Compared by:

Sd/-
Sheristadar