

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I, TIRUR	
Present:- Sri Pradheep K U Judicial First Class Magistrate, Tirur	
Dated this the, 9 th day of June, 2026	
<u>CMP 2/2026 in CC 1540/2017</u>	
Petitioner/Accused	: Faisal Velladath, S/o. Kunjimuhammed, Velladath Puthuparambil (H), Thirunnavaya Amsom Edakkulam Desom, Thirunnavaya (P.O), Tirur Taluk (By Adv. Nazir Ahamed)
Respondent/ Complainant	: Sub Inspector of Police, Tirur Police Station, Cr. No. 56/2012 (By Smt. Meenu V.S, APP, Tirur)
Order	: CMP is allowed.

This case having been finally heard on 05.06.2026 and the court on 09.06.2026 passed the following.

ORDER

This is an application filed by the petitioner/accused to issue a No Objection Certificate for the renewal of a passport.

2. **The case of the petitioner in brief is as follows:** The petitioner is the accused in the above case. The offences alleged against the petitioner is U/s. 509 of IPC. The petitioner submits that he was the holder of an Indian

passport bearing No. AJ 111285, which will expire on 13.11.2026. The petitioner wants to go abroad for employment. He wanted to renew the passport, with a validity of at least 5 years. Hence, the petitioner herein filed this petition for an order of no objection from this court.

3. A copy of this application was served on the learned Assistant Public Prosecutor. No report has been filed by the Investigating officer.

4. In the decision reported in ***Mohamad Shafi V. Regional Passport Officer (2017(2) KHC 484)***, the Honourable High Court of Kerala held that the Criminal Court is vested with ample powers to issue directions for providing passport for a specific period and the Magistrate can fix the period for traveling abroad or even issue directions to issue the passport for a specified period in accordance with the facts and circumstances of each and every case. The Honourable High Court of Kerala in ***Akhilesh V. State of Kerala and others (2021(2) KHC 752)***, it was held that the court where the case is presently pending has to decide whether the applicant is entitled to get a passport as well as the period for which he is entitled to hold the passport and the court has also to keep in mind the fact that pendency of a criminal case shall not stand in the way or cause hindrance to decide the future of an applicant. The Hon'ble High Court in ***Thadevoose Sebastian Vs. Regional Passport Office 2021 ICO 1537 :***

2021(5) KHC 625 observed that the pendency of a criminal proceeding is not a bar for obtaining a passport or for travelling abroad. However, the only requirement in such cases is that the court where the criminal proceeding is pending must grant permission for the period of such travel or the period for which the passport can be issued. Based upon such permission, the passport issuing authority can issue the requisite document enabling travel.

5. The offences alleged against the accused are U/s. 509 of IPC. The dictums cited above well-settled the legal position that this court has been vested with ample powers to allow the prayer made in this petition. The petition is only for granting a No Objection Certificate for the renewal of a passport. The learned APP raised only a formal objection, but projected an apprehension that the accused may abscond from the clutches of law if his passport is renewed. But it can be safeguarded by imposing strict conditions. The trial of the case appears to be in its initial stage. Considering the facts and circumstances of the case and in the interest of justice, I am of the opinion that it is only just and proper to grant a No Objection Certificate for the renewal of a passport for a period of three years, subject to conditions.

In the result, the petition is allowed as follows:

1. As far as this case is concerned, this Court has no objection to the renewal of the petitioner's passport for a period of three years. The concerned Passport Authorities are permitted to renew the passport of the petitioner with validity for a period of three years.
2. The petitioner shall, before leaving India, file an appropriate application seeking exemption from personal appearance and obtain necessary orders from this Court, so as to enable the trial proceedings to continue in the absence of the accused/petitioner, if required.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court on this the 9th day of June, 2026).

SD/-
JUDICIAL FIRST CLASS MAGISTRATE-I,
TIRUR