

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE -II,
S.BATHERY.**

Present: Smt. Gale Joy Chettupuzha,
Judicial First Class Magistrate-II,
Sulthan Bathery.

Monday, 13th day of April, 2026
23rd day of Chaitra, 1948

CMP 1/2026
Criminal Miscellaneous Petition No. 729/2025
In CC 147/2022

Petitioner/Accused No.2 :Sunil V R, Aged 38 years,
S/o. Rajendran, Vettikombil House,
Nadavayal Post, Kappikunnu,
Sulthan Bathery
(By Adv. Vijayakumar K J)

Respondent/Complainant : State represented by the Sub Inspector
of Police, Kenichira Police station.

Order : Petition is allowed.

ORDER

This petition is filed by the petitioner/Accused No. 2 seeking modification of the order dated 12.09.2025 passed by this Court in C.M.P. No. 729/2025.

2. The brief averments of the petition are as follows: The petitioner, who is the second accused in the above case, is presently on bail and has been strictly complying with all the conditions imposed by this Court. Proceedings under Sections 82 and 83 of the Code of Criminal Procedure are pending against CWs 1 and 2, and summons have been issued to CWs 3 and 4. In the meantime, the petitioner has secured employment abroad and holds a valid visa for the said purpose. However, due to the pendency of the case and in the absence of specific permission from this Court, the petitioner is unable to obtain the requisite travel

documents, including a Police Clearance Certificate. Accordingly, the petitioner had earlier approached this Court by filing C.M.P. No. 729/2025, and by order dated 12.09.2025, this Court, subject to conditions, permitted the issuance of necessary travel documents to enable the petitioner to travel abroad. The petitioner submits that he has complied with all the conditions imposed under the said order. However, as the order does not specifically refer to a Police Clearance Certificate, the Passport Authority has declined to issue the same along with the other travel documents.

3. In the above circumstances, the petitioner contends that modification of the order in C.M.P. No. 729/2025 has become necessary by expressly including a “Police Clearance Certificate” among the permitted documents; failing which he would suffer undue hardship and irreparable loss. The petitioner, therefore, prays that this Court may be pleased to modify the order dated 12.09.2025 in C.M.P. No. 729/2025 by specifically permitting the issuance of a Police Clearance Certificate, subject to appropriate conditions, and to pass such other orders as are deemed fit in the interest of justice.

4. Notice was issued to the respondent/complainant. Heard both sides and perused the records.

5. On a careful consideration of the records, including the earlier order passed by this Court in C.M.P. No. 729/2025, and upon appreciating the submissions advanced on behalf of the petitioner, it is evident that the relief now sought is only a limited and consequential modification. The permission already granted by this Court on 12.09.2025 was intended to enable the petitioner to take up employment abroad, and the petitioner has placed materials to show that he has complied with all the conditions stipulated therein. Accordingly, this Court holds that there is no objection to the issuance of a Police Clearance Certificate to the petitioner. It is, however, clarified that nothing contained in this order shall be construed as a mandate to issue a Police Clearance Certificate as a matter of right. The competent authorities shall process the petitioner’s request strictly in accordance with the applicable statutory norms, administrative

guidelines, and procedural requirements, including any verification of antecedents or other enquiries contemplated under law. This order is intended only to remove the embargo, if any, arising from the previous order dated 12.09.2025, and shall not fetter the discretion vested in the authorities empowered to grant or refuse a Police Clearance Certificate.

(Pronounced by me in open court this the 13th day of April, 2026)

Judicial First Class Magistrate-II