

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I,  
ALATHUR.**

Present:- Sri. Induchoodan. A.,  
Judicial First Class Magistrate.

Tuesday, this the 13<sup>th</sup> day of January, 2026.  
23<sup>rd</sup> day of Pousha, 1947 (S.E)

**Criminal Miscellaneous Petition No. 1/2026 in Calendar Case No. 528/2019.**

Pradeep, Aged: 42 years, S/o. Muthu, } Petitioner/Accused No. 3  
Palayam veedu, Vadakkanchery P.O, }  
Alathur, Palakkad. } (BY Adv. Sri. P. Rajendran)

vs.

State Rep. By the Station House Officer, } Respondent  
Alathur Police Station, }  
In Crime No. 215/2019. } (BY Sri. Hari Kishan. P.R,  
A.P.P Gr.II, Alathur)

Order } CMP is allowed.

This case is coming on for today's proceedings, the court passed the following:

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**ORDER**

This is an application filed under Sec. 22A of the Indian Passport Act.

2. The case of the petitioner in brief is as follows:- The petitioner herein is the third accused in the above case. The offences alleged against the petitioner/accused No.3 are punishable u/ss. 143, 144, 145, 147, 148, 332, 353, 283 r/w Sec.149 of the Indian Penal Code. The petitioner states that he wants to go abroad. He needs permission from the Court concerned as the criminal case is pending against him. He states that if the petition is not allowed it would result in irreparable injury and

hardship to him. Hence, the petition.

3. The above permission is sought by the petitioner in accordance with the Notification No. GSR 570(E) dated 25.08.1993 (published in Gazette of India, Extra part II S. 3(i), dated 25.08.1993) issued by the Central Government under clause (a) of S. 22 of the Passport Act, 1967, which exempted Citizen of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of clause (f) of Sub Sec.(2) of S.6 of the said Act.

4. The Hon'ble High Court of Kerala in '**S.K. Asok Kumar v. State of Kerala**' (2009(2) KLT 712), held that, by the notification dated 25.08.1993 the citizen against whom a criminal case is pending, are entitled to get a passport on producing an order from the court concerned, permitting him to depart from India after exempting him from the operation of the provision of clause (4) of Sub Sec. (2) of Sec. 6 of the Passport Act subject to the conditions imposed by the Court.

5. The Hon'ble High Court of Kerala in '**Muhammad v. State V. Kerala and another**' (2012(4) KLT 655) held that if accused files an application to obtain a new passport, Magistrate has to consider such application on merits and can allow the same by imposing adequate safeguards for securing the presence of accused for trial.

6. The case pending against the petitioner/accused No.3 registered for the offences punishable under Secs. 143, 144, 145, 147, 148, 332, 353, 283 r/w Sec.149 of the Indian Penal Code. No question of identity is involved in this case. On perusal of the case file, I feel that it may consume much time for the final disposal of the case. Considering the above dictum's and the facts and circumstances of the case, it is not fair to deprive the petitioner's valid right to go abroad. Hence, the petition is allowed in part. Petitioner is permitted to depart from India, for a period of one year subject to the following conditions;

- 1. The petitioner shall file an affidavit furnishing the details of the proposed journey and he is allowed to go abroad for a period of one year.*
- 2. The petitioner shall execute a bond for ₹.1,00,000/- with two solvent sureties undertaking to appear before the Court at the time of trial of the above case.*
- 3. The petitioner shall appear before the Court as and when he is directed to do so.*

Pronounced by me in open Court on this the 13<sup>th</sup> day of January, 2026.

sd/-  
Judicial First Class Magistrate - I,  
Alathur.

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