

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, THIRUVALLA

Present: Smt. Greeshma A S, Judicial Magistrate of the First Class.

Monday the 15th day of June, 2026/ 25th day of Jyaishta 1948 S.E.

Crl.M.P 02/2026

in

CC 3423/2020 [Thiruvalla P S Crime No. 2254/2020].

Petitioner / 5th Accused	:	Sarath Sabu, aged 27 years, S/o Sabu, Vallyarayil House, Azhiyidathuchira Muri, Kavumbhagom Village, Thiruvalla Taluk, Pathanamthitta District. (By Adv. V R Sudeesh)
Respondents	:	1. State of Kerala, Represented by the Sub Inspector of Police, Thiruvalla Police Station. (Through the Assistant Public Prosecutor, Thiruvalla). 2. The Regional Passport Officer, Regional Passport Office, Cochin.
Order	:	Petition is allowed.

ORDER

1. This is an application filed by the petitioner/5th accused under Section 6(2)(f) of the Passports Act, 1967, seeking a direction to the Regional Passport Officer, Cochin, to renew his passport for a further period of three years to enable him to continue his employment abroad.

2. The averments in the petition in brief are as follows: The petitioner is the 5th accused in CC No. 3423/2020 (Thiruvalla Crime No. 2254/2020) of Thiruvalla Police Station, registered for offences punishable under Sections 143, 147, 148, 323, 294(b), 451, 324, 506(1), 354, and 149 of the Indian Penal Code.
3. The petitioner submits that he was granted anticipatory bail by the Hon'ble High Court of Kerala in the crime stage, and subsequently, he was enlarged on bail by this Court. It is further submitted that as per the order of this Court in Crl.MP No. 381/2024 dated 20.01.2024, the petitioner was granted permission to go abroad for a period of two years. Pursuant to the said permission, an Indian Passport (No. Y2540604) was issued to him, valid from 07.05.2024 to 06.05.2026.
4. The petitioner contends that he has been working as a Machine Operator at RAKEZ/SEAH STEEL, UAE, LLC since 12.10.2024, and his employment visa is valid until 11.10.2026. However, since the validity of his passport expired on 06.05.2026, he is unable to continue his employment, which is the sole livelihood for his family. The case now stands posted to 06.06.2026 for trial. Hence, he prays for a direction to renew his passport for a further period of three years.
5. A copy of the application was duly served on the learned Assistant Public Prosecutor, who forcefully opposed the application on the ground that the trial of the case is pending.
6. Heard both sides. On perusal of the records, it is seen that the petitioner was previously permitted by this Court to travel abroad for employment, and there is

no allegation that he has misused the liberty or violated the bail conditions. Since the passport has now expired and the petitioner's livelihood depends on his employment abroad, this Court finds that his request for renewal is genuine.

7. Following the principles laid down by the Hon'ble High Court of Kerala and the guidelines issued by the Central Government via GSR 570(E) dated 25.08.1993, the pendency of a criminal case is not a bar for the renewal of a passport, provided the court where the trial is pending grants permission. To secure the presence of the accused during crucial stages of the trial and to ensure the smooth progress of the proceedings, strict conditions can be imposed.
8. In the result, the petition is allowed. Permission is granted to the petitioner/5th accused to apply for the renewal of his passport (No. Y2540604) before the Regional Passport Officer, Cochin, for a period of three years, subject to the following conditions:

1. *The petitioner shall authorize a person to receive communications from the court on behalf of the accused in his absence in case he leaves India during the period.*
2. *The petitioner shall produce an undertaking from such authorized person agreeing to receive the summons and other communication from the court.*
3. *The petitioner shall intimate the proposed date of his leaving India and his address abroad during the period along with a true attested copy of passport.*

4. *The petitioner shall file an affidavit to the effect that he shall not dispute his identity as the particular accused in the case when trial goes on his absence and shall always be represented by his lawyer.*
5. *The petitioner should undertake, that the counsel in his behalf should be present in Court and he shall always be represented by the lawyer.*
6. *He has no objection in taking the evidence in his absence treating the presence of the counsel as his presence, in compliance with S.317 of Code of Criminal Procedure.*
7. *The petitioner shall not take plea that evidence in this case was recorded in his absence in this Court or any other Court/forum.*
8. *The petitioner shall personally appear before Court as and when specifically required and shall surrender his passport when so demanded by the Court without fail.*

Judicial Magistrate of the First Class

Thiruvalla