

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

**Present: Smt. Arundhathi Dileep, Judicial Magistrate of the First Class.**

**Friday the 06<sup>th</sup> day of February, 2026/ 17<sup>th</sup> day of Magha 1947 S.E.**

**Crl.M.P No. 02/2026**

**in**

**CC 2190/2019 [Keezhvaipur P S Crime No. 1265/2019].**

Petitioner/Accused : Mahesh Chidambaran,  
S/o Chidambaran  
Manu Nivas, Kunnanthanam Village and  
P O, Pathanamthitta District,  
Pin 689 581.  
(By Adv. Vibitha Babu)

Respondent : State of Kerala represented by the  
Inspector of Police, Keezhvaipur.  
(Smt. Devi M G, Assistant Public  
Prosecutor, Grade-I, Thiruvalla)

Order : Petition is allowed.

**ORDER**

1. The above application is filed by the petitioner/accused in the above said case.
2. The averments in the petition in brief are as follows:- Petitioner is the accused in the above case. Offences alleged against him is u/ss. 294(b) and 323 r/w section 34 of the Indian Penal Code. It is averred that the petitioner is currently working abroad and for continuing in his employment, it is necessary to renew his passport for 5 years. His Indian passport bearing No. P0625000 expires on

04/09/2026. Petitioner had applied for renewing the passport through Regional Passport Authority but the same was refused due to the pendency of criminal case against him. Petitioner prays for issuing direction to the Passport Officer to renew the passport of the petitioner for a period of 5 years to continue his employment abroad. Hence the petition.

3. The copy of application was duly served to learned APP. No written objection filed by learned APP. Heard both sides.
4. On verification, it is seen that petitioner has taken bail in the case. If the petitioner files an affidavit to the effect that he shall not deny his identity during his absence during trial, it may not be necessary to insist on the presence of the petitioner on each and every posting. The reason stated by the petitioner for renewal of passport appears to be genuine. Hence I am of the opinion that there is no harm in giving permission to apply for renewal of his passport.
5. As per GSR 570(E) dated 25/08/1993 (published in the 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 Passports Act, 1967, the Central government exempted the accused who get a permission from the court to travel abroad from the operation of provision of Clause (f) of Sub Section (2) of Section 6 of the Indian Passport Act. Hence on getting permission from this court to go abroad, the petitioner can approach the passport authority for renewing of his passport.
6. In the result, this petition is allowed and permission is granted to the petitioner for renewal of passport on the following conditions for a period of three years.

<p>1. <i>The petitioner shall authorize a person to receive communications from the court on behalf of the accused in</i></p>
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- 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*