

**IN THE COURT OF SPECIAL ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, THRISSUR**

Present: **Smt. Alpha Mamai K., Additional Chief Judicial Magistrate**

Dated this, the 20th day of **September, 2025.**

CMP 4554/2025 in CC 44/2016

- Petitioner/Accused
no. 25. : Vinod, Aged 44 years, S/o. Narayanan, G1- Keeran
Apartment, V.O. Nagar, Vadavalli, Coimbatore, Tamil
Nadu – 641 041.

(Address shown in the final report – Vinod,
S/o. Narayanan, No.6, Alamarathottam Siruvani Road,
Vadavally, Coimbatore, Lingannur, Tamil Nadu.)

(By Adv. Sri. Naveesh C.N.)
- Complainant/
Respondent no.1 : State represented by the Circle Inspector of Police,
Irinjalakuda Circle, Thrissur, SIT Nano Cases.

(Crime no. 1164/2011 of Thrissur Town West Police
Station).

(CBCID Cr.1011/CR/EOW-II/KTM/2011)

(By Smt. Dhannu Gireesh, Assistant Public Prosecutor,
Court of Additional Chief Judicial Magistrate,
Thrissur).
- Respondent no.2 : The Regional Passport Officer, Passport Seva Kendra,
Corporation Commercial Complex, 1st Floor, Opp.
Thandu Mariamman Koil Street, Uppilipalayam,
Avinashi Road, Coimbatore Central - 641018.
- Petition : U/s. 6(2)(f) r/w 22 A of The Passports Act, 1967.
- Order : Allowed.

ORDER

1. This is a petition filed by the accused no. 25, in CC 44/2016 on the file of this court, under section 6(2)(f) r/w 22 A of the Passports Act, 1967.

2. Petition averments are, as follows:

Petitioner is the accused no. 25, in the above case. The offences alleged against the accused are under sections 406, 420 r/w 34 of the Indian Penal Code and sections 3, 4, 5, 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. Petitioner has not committed any offences as alleged and he is innocent. The petitioner is employed in a reputed company and is required to travel abroad for employment purposes. For that purpose, a valid passport is essential. This court by common order dated 15.04.2024, has permitted the petitioner to renew his passport, pursuant to which the second respondent issued passport bearing no. Y2012578 valid till 23.04.2025. Now the validity of the said passport expired and hence, the petitioner is constrained to apply for a new passport. However, in view of section 6(2)(f) read with section 22A of the Passports Act, 1967, the Passport Authority will not entertain the application unless a "No Objection" is issued by this Court. As per Notification G.S.R. 570(E) dated 25.08.1993 of the Ministry of External Affairs, Government of India, the trial Court is competent to grant such permission. The same legal position has been reiterated by the Honourable High Court of Kerala in S.K. Ashok Kumar v. State of Kerala (2009 KHC 557). The Petitioner undertakes to strictly abide by any condition that may be imposed by this court, while granting permission. Hence, seeks to issue a no-objection, to the second respondent to enable the issuance of the passport to the petitioner, for a further period of three years.

3. Objection was filed by the Detective Inspector, State Crime Branch, Thrissur through the learned Assistant Public Prosecutor as, follows:-

If petitioner is permitted to go abroad, there is likelihood of petitioner not appearing in court during trial. Hence seeks to dismiss the petition filed by the petitioner.

4. Heard both sides.

5. CC 44/2016 is a case, based on the final report, filed by the Circle Inspector of Police, Irinjalakuda Circle, Thrissur, SIT Nano Cases, against accused, twenty seven in numbers, alleging offences punishable under sections 120B, 406, 420 r/w 34 of the Indian Penal Code and Sections 4, 5, 6 of the Prize Chits and Money Circulation Schemes Banning Act, 1978. In the final report, there are fifty one numbers of witnesses and several documents involved. Even though the First Information Report in the above case registered in the year 2011, and final report filed in the year 2016, even now, the case is at the initial stages and trial not started. Only recently, discharge petitions filed by some accused and now those petitions pending. Hence, it will take more time for the final disposal of the case.

6. According to the petitioner, the validity of his passport expired and he needs a no-objection from this court to renew the validity of his passport. As stated above, even now the case is at the initial stages. Hence, it will take further more time, to dispose the case. Considering the abovesaid fact and also considering that, the claim of the petitioner to renew his passport is for his job purpose and hence for his livelihood, the petitioner is granted permission to renew his passport, for a period of three years, as sought in the petition.

7. But considering the fact that, the petitioner is an accused in several similar cases and also considering that, the trial proceedings shall not be obstructed due to the absence of accused/petitioner and also to ensure the presence of the petitioner, as and when required, petition allowed subject to conditions.

8. Hence, petition allowed as follows:-

- i. Petitioner (accused no. 25 in CC 44/2016 on the file of this Court) is permitted to depart from India, for a period of three years from the date of this order, as provided under clause (f) of sub section 2 of section 6 of The Passport Act read with Notification issued by the Govt. of India GSR 570(E) dated 25-8-1993.
- ii. Accused shall execute a bond for Rs. 1,00,000/- (Rupees One lakh only), with two solvent sureties each for the like sum.
- iii. Before going abroad, petitioner shall file an affidavit, stating that, he will not dispute his identity during trial and that he will be represented by his counsel on all hearing dates and that he will not claim his right u/s. 273 Cr.P.C. and that his absence during trial will not be taken as a ground either in appeal or in revision and that framing charge and examination u/s. 313 Cr.P.C., can be conducted through his counsel.
- iv. Before going abroad, petitioner shall also file an affidavit, stating that, service of notice or summons, on his close relative at native place, shall be deemed to be service on him and he shall furnish the full correct address of such close relative.

(Dictated to the Confidential Assistant, typed directly by her to the computer, corrected and pronounced by me in open court on this, the 20th day of September, 2025.)

Sd/-
Additional Chief Judicial Magistrate,
Thrissur.