

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

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

Dated this, the 19th day of **March, 2026.**

CMP 4/2026 in CC 93/2019

Petitioner/Accused : Jayan, S/o. Gopalan, Perukkunnel House,
no. 18. Chelakode P.O., Thrissur – 680 587.

(Address shown in the final report – Jayan P.G.,
S/o. Gopalan, Perukkunnel House, Nattianchira,
Vellangallur Village, Thrissur District.)

(By Adv. Sri. Pramod K.)

Complainant/ : State represented by the Deputy Superintendent
Respondent of Police, Crime Branch, Ernakulam.

(Crime no. 547/2012 of Thrissur Town West
Police Station).

(CBCID Cr. 376/CR/EOW-II/KTM/2012)

(By Sri. Ananthakrishnan P.A., Assistant Public
Prosecutor, Court of Additional Chief Judicial
Magistrate, Thrissur).

Petition : U/s. 22(a) of The Passports Act, 1967.

Order : Allowed.

ORDER

1. This is a petition filed by the accused no. 18, in CC 93/2019 on the file of this court, under section 22(a) of the Passports Act, 1967.

2. Petition averments are, as follows:-

Petitioner is the accused no. 18, in the above case. The petitioner is innocent of the allegations levelled against him. In view of the pendency of the above case, the passport authority requires the petitioner to produce an order from this court for the issuance/continuation of the passport facilities. Petitioner requires a passport for the purpose of attending the Vietnam Business Delegation, in connection with his business activities. A copy of the relevant document evidencing the said business delegation, is produced along with the petition. The petitioner is ready to abide any condition imposed on him. Hence, seeks to issue a no-objection certificate to the Regional Passport Officer, Regional Passport Office, Kochi, permitting the petitioner to apply for and to obtain a passport, to dispense with the personal appearance of the petitioner for a period of three years, and grant such other reliefs as this court may deem fit and proper in the interest of justice.

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

If the 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 93/2019 is a case, based on the final report, filed by the Deputy Superintendent of Police, Crime Branch, Ernakulam, against accused, twenty three 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.

6. In the above case, charge framed and the evidence of prosecution is about to be started. Hence, the presence of the accused is necessary for the further proceedings of the case. According to the petitioner, he has to go to Vietnam during the period from 15th April to 20th April, in connection with his business and hence, requires the permission of this court, to obtain a passport. During hearing, the learned counsel for accused/petitioner submitted that, the petitioner needs passport only for the limited purpose of travelling to Vietnam during the above period, for participating in the Vietnam Business Delegation.

7. Considering that, the claim of the petitioner to obtain a passport and to go abroad is for his business purpose, permission is granted to obtain a passport for the abovesaid purpose. For the abovesaid purpose, there is no need to dispense with the personal appearance of the petitioner, for a period of three years, as sought in the petition. Hence, his claim with respect to dispensing with his personal appearance for a period of three years, is not allowed.

8. But, as stated above, since the petitioner requires a passport for his business purpose, he is granted permission to obtain a passport for a period of one year. As stated, the evidence of prosecution is about to be started, and the presence of the accused is necessary during the evidence proceedings. Hence, to see that, the trial proceedings are not obstructed due to the absence of the accused/petitioner and also to procure the presence of the petitioner as and when required, and also considering that, petitioner is an accused in several other similar cheating cases also, pending before this court, permission is granted subject to conditions.

9. Hence, petition partly allowed as follows:-

- i. Petitioner (accused no. 18 in CC 93/2019 on the file of this Court) is permitted to depart from India, for a period of one year from the date of this order, as

provided under clause (f) of sub section 2 of section 6 of The Passports Act, read with Notification issued by the Govt. of India GSR 570(E) dated 25-8-1993.

- ii. Accused/petitioner 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 19th day of March, 2026.)

Sd/-
Additional Chief Judicial Magistrate,
Thrissur.