

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

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

Dated this, the 25th day of **March, 2026.**

CMP 6/2026 in CC 204/2023

Petitioner/Accused no. 27. : Subair P.J., S/o. Jabbar, Puthanpurayil House,
6th Mile, Tharuvana Post, Porunnanore,
Wayanad, Kerala – 670 645.

(Address shown in the final report – Subair,
S/o. Jabbar, Puthanpurayil House, Valiakolly,
Valad, Wayanad.)

(By Adv. Sri. Pramod K.)

Complainant/Respondent : State represented by the Deputy Superintendent
of Police, CBCID, EOW III, Kannur Unit.

(Cr.No: 210/2011 of Ambalavayal Police
Station).

(CBCID Cr. 487/CR/EOW-III/KKD)

(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. 27, in CC 204/2023 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. 27, in the above case. The offences alleged against the accused are under sections 120B, 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. The petitioner is innocent of the allegations levelled against him. The petitioner is not possessing a passport at present. The petitioner intends to travel to Mecca of Saudi Arabia for performing Umrah. Hence, the petitioner requires a passport. The petitioner will abide any condition imposed by this court and will appear before this court as and when directed. 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 one year, 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-II, Crime Branch, Wayanad, through the learned Assistant Public Prosecutor as, follows:-

The presence of the accused before this court is highly inevitable for the fruitful prosecution of the above case. So granting an exemption to the accused as provided under section 6(2)(f) of the Passports Act, 1967, will adversely affect the prosecution and also it helps the accused in evading from appearing before the Court, in time. Hence, seeks to dismiss the petition filed by the petitioner.

4. Heard both sides.

5. CC 204/2023 is a case, based on the final report, filed by the Deputy Superintendent of Police, CBCID, EOW III, Kannur Unit, against accused, thirty two in numbers, alleging offences punishable under sections 120B, 420 r/w 34 of the Indian Penal Code and Sections 4, 5 and 6 of the Prize Chits and Money Circulation

Schemes (Banning) Act, 1978.

6. According to the petitioner, he has to go to Mecca for Umrah and hence for that purpose, requires a passport. Considering that, the petitioner requires a passport for performing Umrah, petitioner is granted permission to obtain a passport, as sought in the petition. But considering the fact that, the petitioner is an accused in some other similar cases also, 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.

7. Hence, petition allowed as follows:-

- i. Petitioner (accused no.27 in CC 204/2023 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 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 25th day of March, 2026.)

Sd/-
Additional Chief Judicial Magistrate,
Thrissur.