

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

Present: Naseeb. A. Abdul Razak
Judicial First Class Magistrate, Wadakkanchery

Dated this the 10th Day of June, 2025

CMP.No. 02/2026 in CC. 1269/2019
Crime No. 273/2019 of Erumapetty P.S

Petitioner/A1: Ditto, aged 34 years, S/o Devassy, Mekkattukulam House,
Velur via Kurumal .P.O, Thrissur.
[Rep.by Adv. K.Sajith Kumar]

Respondents:

1. The Regional Passport Officer, Passport Office, Thrissur.
2. State of Kerala, represented by
SHO, Erumapetty police station.

[Rep.by APP, Wadakkanchery.]

This petition by the 1st accused, having come up for hearing in the presence of Adv. K.Sajith Kumar, counsel for the petitioner and Assistant Public Prosecutor, Wadakkanchery for the respondents, the court has today passed the following:-

ORDER

This application is filed for an order directing the first respondent to consider petitioner's application for renewal of his passport for a period of five years.

2. The petition averments are as follows: The petitioner is an Indian Citizen having permanent address shown above and now he is working at abroad. He is the holder of Indian passport bearing no. I 0218241. The validity period of his passport would expire on 11.06.2026. Therefore, he intends to apply for renewal/ re issuance of the passport before the Regional Passport Office/R1. But, he has learnt that the authorities concerned will not issue the passport to him as he is one of the accused in this case.

3. Notice served.

4. R1 has submitted that the application for re issuance of the passport will be duly considered if he approaches with a proper explanation or with an NOC/order from the Court as per GSR 570 (E) notification. R2 has filed report that the accused has already been released on bail by the investigating officer. The need of petitioner's presence in the State for the purpose of investigation is not seen raised by the investigating officer. R2 has reported that there is possibility of the petitioner fleeing from the process of law.

5. Heard both sides.

6. Along with offences u/s.341,323,324,354 r/w 34 of IPC. Petitioner is the 1st accused. The case is of the year 2019. None of the witnesses has been examined so far. Therefore, there is no possibility of the trial commencing and getting completed in a near future. At present, there is no bar or restriction imposed by any authority or court of law upon the petitioner to travel abroad. In view of the nature of the allegation, when there is no restriction imposed upon him to travel beyond India, he need not be denied his right to travel out of the country as part of his search of livelihood. The pendency of a case by itself is not a ground to deny a person to obtain a passport and seek a job abroad – see **Thadevoor Sebastian v Regional Passport Officer and Another (2021 (5) KHC 625)** and **Ganni Bhaskara Rao vs Union of India (2022 Crl LJ 3095)**. In these circumstances he can be permitted to apply for issuance or re issuance of passport.

In the result, the C.M.P. is allowed as follows:-

1. The petitioner is allowed to apply for renewal or re issuance of his passport for a period of three years.

2. The petitioner shall produce the duly attested copy of the passport, once obtained.

3. The 1st respondent shall consider this order if the petitioner applies for renewal or re issuance of passport.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court on this the 10th Day of June, 2026).

Sd/-
Judicial First Class Magistrate
Wadakkanchery

Judicial First Class Magistrate
Wadakkanchery

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