

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-I
NEYYATTINKARA**

Present: Smt. Sumitha.M.S, Judicial First Class Magistrate-I,
Tuesday, 31st March, 2026

**CMP.No.02/2026 in CC.191/2013 (Neyyattinkara Police Station Crime
No.443/2013**

Petitioner/ Accused No.2	:	Akhil.D., aged 33 years, S/o.Darvin, Pinamidukuzhy Veedu, Vlangamuri Desom, Neyyattinkara Village, Neyyattinkara Taluk, Thiruvananthapuram District.
		(By Adv.Sri.Deepu.S.)
Counter petitioners	:	1. State of Kerala, represented by the SHO, Neyyattinkara Police Station. Sri.Harikrishnan.V.S,Asst.Public Prosecutor, Sr.Gr. 2. Passport Officer, Thiruvananthapuram
Order	:	Petition is allowed.

This CMP has been heard on this day, and the Court on the same day,
passed the following:

ORDER

This is an application filed by the petitioner / accused No.2 in Crime
No.443/2013 of Neyyattinkara Police Station (CC No.191/2013) seeking no
objection to renew his Passport.

2. The application averments in brief is that the petitioner is the 2nd
accused in CC. 191/2013 u/ss. 379 & 34 of the Indian Penal Code and section
4(1) r/w 21 of the Mines and Minerals (Development and Regulation) Act, 1957,
section 58 of the Kerala Minor Minerals Concession Rules 1969 & section
20,21 of the Kerala Protection of River Banks and Regulation and Removal of
Sand Act, 2001, which was falsely foisted against him. According to him, the
validity of his passport bearing No. M 5556201 expired on 15/01/2016 and he is
in an urgent need to get his passport renewed. The petitioner/ accused No.2

further undertakes that he is ready to abide any condition imposed by this Court and shall appear before this Court as and when required. Hence this application.

3. Copy of the petition was served to the Learned Assistant Public Prosecutor. The Inspector of Police, Neyyattinkara Police Station filed report objecting the petition contending that absence of petitioner/accused No.2 may affect the trial of the case and it is improper to issue no objection for renewal of passport in favour of the petitioner, against whom the instant case is pending.

4. Heard both sides.

5. On perusal of the prosecution records, it is seen that the petitioner is the accused No.2 in Neyyattinakara Police Station Crime No.443/2013 which was taken on file as CC.191/2013 alleging offences punishable U/ss. 379 & 34 of the Indian Penal Code and section 4(1) r/w 21 of the Mines and Minerals (Development and Regulation) Act, 1957, section 58 of the Kerala Minor Minerals Concession Rules 1969 & section 20,21 of the Kerala Protection of River Banks and Regulation and Removal of Sand Act, 2001.

G.S.R. 570(E) – In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely :--

- (a) the passport to be issued to every such citizen shall be issued –*
 - (i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or*
 - (ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passports shall be issued for a period one year.*

- (iii) *if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or*
- (iv) *if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.*
- (b) *any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court, and provided further that, in the meantimes, the order of the court is not cancelled or modified.*
- (c) *any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a period for travel abroad.*
- (d) *the said citizen shall give an undertaking in writing for the passport issuing authority that he shall, it required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.*

6. As submitted by the Learned Counsel for the petitioner / accused No.2, right of the petitioner / accused No.2 for going abroad cannot be curtailed on the ground that there is a criminal case pending against him. In the instant case, this Court finds no reason why the petitioner / accused No.2 should not be allowed to travel abroad because of the pendency of the above case. Hence, I am of the view that it is only just and proper that the petitioner / accused No.2 is permitted to get his passport renewed despite being an accused in this case. Further, there are no prospects of the conclusion of trial in the near future. On perusing the affidavit filed by the petitioner along with the petition, it is seen that there is nothing to disbelieve the petitioner. Meanwhile, equal weightage has to be given to the apprehension raised by the Learned Assistant Public Prosecutor that if the petitioner / accused No.2 is granted permission to renew his passport as sought for by him, he may abscond delaying process of law. This being the situation, this Court finds the petitioner can be granted no objection for renewing his passport with a validity period of two years from the date of this Order, but on conditions.

In the result, the petition is allowed on the following conditions:

1. The petitioner / accused No.2 shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum.
2. The petitioner / accused No.2 shall produce a copy of renewed passport attested duly by himself within one week after obtaining the same.
3. The petitioner / accused No.2 shall appear before this court as and when required.
4. The petitioner / accused No.2 shall not leave India without getting special permission from this court.

Issue copy of this order to the Passport Officer concerned.

Pronounced by me in open court on this the 31st day of March 2026.

sd/-

**Judicial First Class Magistrate-I,
Neyyattinkara.**

//True copy//

**Judicial First Class Magistrate-I,
Neyyattinkara.**

