

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,
NEYYATTINKARA.**

Present:Smt. Nimmi Nair. M, Judicial First Class Magistrate-II, Neyyattinkara

Monday, 6th day of April 2026

Crl.M.P No.1/26

IN

CC.543/2009

Petitioner/Accused : Sivarajan, S/o.Chellappan Nadar, Akhil Nilayam Veedu,
Charottukonam, Nalloorvattam Desom, Kulathoor
Village.

(By advocate S.John)

Counter Petitioners : 1. The State of Kerala represented by the Sub
Inspector of Police, Pozhiyoor Police Station, in
Crime No. 23/2009.
2. Regional Passport Officer, Thiruvananthapuram.

*(By Sri.Saji. A.V, Assistant Public Prosecutor,
Neyyattinkara)*

Order : Petition is allowed.

This Crl.M.P having been heard on this day, and the Court on the same day,
passed the following:-

ORDER

1. This is an application filed by the counsel for the petitioner/accused seeking permission for the renewal of Passport bearing No.X9597491, who is the accused in Pozhiyoor Police Station Crime No.23/2009, which is pending before this court as C.C No.543/2009 alleging offence under section 498 A of the Indian Penal Code, 1860.
2. The petitioner/accused submits that, he intends to renew his passport bearing No.X9597491. Petitioner's passport will be expire on 18.06.2026. The

petitioner/accused submitted that, he intends to go abroad in connection with his employment. He applied before the passport authority, Thiruvananthapuram for the renewal of his passport. But it was withheld on the reasons that the petitioner is the accused in CC.543/2009 pending before this court. Hence, the petitioner/accused filed this application seeking for an order directing the passport authority to renew the passport.

3. The prosecution case is that the petitioner/accused in this case alleged to have committed offence under section 498 A of the Indian Penal Code, 1860 registered by the Pozhiyoor Police Station. The Sub Inspector of Police, Pozhiyoor Police filed report objecting the aforesaid application.
4. Learned Assistant Public Prosecutor opposed the application that if he is permitted to renew the passport, he may abscond and it would result in dragging the trial of the case.
5. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor.
6. As per GSR 570(E) dated 25.8.93 (published in the Gazette of India, Extra. Part II S.3(i) dated 25.8.1993) issued by the Central government under Clause (a) of S.22 of the Passports Act, 1967, the Central Government exempted the accused persons who get a permission from the court to travel abroad from the operation of provision of Clause (f) of Sub Section (2) of Section 6 of the

Indian Passport Act. Hence, on getting permission from this court to go abroad, the petitioner can approach the passport authority for renewing his passport. I have followed the principles streamlined by Hon'ble High Court of Kerala in **S. K. Ashok Kumar v. State of Kerala reported in 2009(2) KLT 712.**

7. The petitioner/accused is the sole bread winner of the family. On perusal of records it is seen that the charge was framed against the accused. The petitioner/accused filed affidavit stating that, he will not dispute his identity at the time of trial and he shall appear before the court as and when required. Considering the stage of proceedings, if the petition is not allowed it will cause hardship to the petitioner/accused. Hence, for the aforesaid reasons and considering the stage of the case, I am inclined to grant permission to the petitioner/accused and the passport authority concerned is directed to renew passport to the petitioner/accused for a period of two years based on the following conditions:-

1. The petitioner/accused shall execute a bond for ₹.25,000/- with two solvent sureties for the like sum.
2. The petitioner/accused shall file a special Vakalath before this court empowering his counsel to represent his case in trial proceedings.

3. The passport officer of Regional Passport Office, Thiruvananthapuram is hereby directed to renew passport to the petitioner/accused, if he is not otherwise disqualified and petitioner/accused shall produce this order.
4. The period of passport shall be for a period of 2 years from the date of renewal for the same.
5. The petitioner/accused is not given permission to travel abroad pending disposal of this case. If the petitioner wishes to travel abroad he shall file petition before the trial court and get prior permission for the same. He shall not travel abroad without getting permission from the trial court.
6. The petitioner shall file an undertaking affidavit that he will not go abroad without getting prior permission from the trial court.

(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court, on this the 6th day of April 2026)

Sd/-

Judicial First Class Magistrate – II,
Neyyattinkara.

//True copy//

Judicial First Class Magistrate – II,
Neyyattinkara.