

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

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

**Wednesday, 4<sup>th</sup> day of March 2026**

**Crl.M.P No.1/26**

**In**

**C.C.510/14**

Petitioner/accused : Jaison, S/o Nelson, Mothirapalliveedu, Opposite of  
No.3 Amaravila CSI Church, Amaravila P.O.,  
Thiruvananthapuram.

*(By advocate Vishnu P Nair)*

Counter Petitioner : The State of Kerala, represented by the Sub Inspector of  
Police, Parassala Police Station, in crime no.166/13.

*(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 petitioner/accused No.3 seeking No Objection in issuing of Passport, who is the accused No.3 in Parassala Police Station Crime No.166/13, which is pending before this court as C.C.No.510/14 alleging offences under sections 447, 341, 323, 324, 354 and 506(ii) read with section 34 of the Indian Penal Code, 1860.
2. When the application was filed, notice was given to the Investigating Officer. Investigating Officer filed a report and opposed the application.
3. The petitioner/accused No.3 submitted that, he intends to obtain a passport in connection with his employment abroad. It is further submitted that the

petitioner is now in need of permission from this court for issuing new passport. But it was withheld on the reasons that the petitioner is the 3<sup>rd</sup> accused in CC No.510/14 pending before this court. Learned counsel submitted that if the passport is not issued to the petitioner, he would lose his job and it would affect his livelihood also. Hence, the petitioner/accused No.3 filed this application.

4. Learned Assistant Public Prosecutor opposed the application that if he is permitted to issue the passport, he may abscond and it would result in dragging the trial of the case.

5. Heard both sides.

6. **The points that arise for determination are :-**

*1. Whether the application can be allowed?*

*2. If so, on what terms?*

7. **Point No.1 and 2:-** Both these points are considered together for convenience.

The offences alleged against the accused are punishable under sections 447, 341, 323, 324, 354 and 506(ii) read with section 34 of the Indian Penal Code, 1860. 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 issuing 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.**

8. The petitioner/accused No.3 is the sole bread winner of the family. On perusal of records, it is seen that the charge has been framed against the accused and the examination of witnesses are not yet started and the case was registered in the year 2014. There are no prospects of a conclusion of the trial in the near future. In this situation, it will be harsh to deny the request of the petitioner/accused for the issuance of his passport. No materials are available to discard the submissions of the petitioner. Hence, the application can be allowed on condition.
9. Hence, this court has No Objection in issuing fresh passport to the petitioner in accordance with law. For the aforesaid reasons and considering the stage of the case, I am inclined to grant permission to the petitioner/accused No.3 to obtain passport to the petitioner subject to the following conditions:-
  1. The petitioner/accused No.3 shall execute a bond for ₹.20,000/- with two solvent sureties for the like sum.
  2. The Regional Passport Authority, Thiruvananthapuram, is directed to issue the passport to the petitioner as per law from the date of its

issuance, if he is not otherwise disqualified and petitioner/accused shall produce this order.

3. The petitioner/accused No.3 shall not leave India without the permission of this court.

*(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court, on this the 4<sup>th</sup> day of March 2026)*

Judicial First Class Magistrate – II,  
Neyyattinkara.