

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

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

Wednesday, 10<sup>th</sup> day of June, 2026

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

**IN**

**CALENDAR CASE No. 919/2019**

Petitioner/accused : Ajeesh. S, S/o Sasidharan, TC.67/491, Kizhakke Mudambil  
No.1 Veedu, Pachalloor. P.O, Thiruvananthapuram.

(By advocate Kulathoor Rahul. L.R)

Counter Petitioners : The State of Kerala represented by the Sub Inspector of  
Police, Thiruvallam Police Station, in crime no.635/18.

(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.1 seeking permission for issuing of Passport, who is the accused No.1 in Thiruvallam Police Station Crime No.635/2018 which is pending before this court as C.C No.919/2019 alleging offences under sections 448, 214 and 506(i) read with 34 of the Indian Penal Code, 1860 and permission to travel abroad to the petitioner for a period of two years.
2. The petitioner/accused No.1 submitted that, he intends to go abroad in connection with his employment at abroad in Dubai. He applied before the passport authority, Thiruvananthapuram for the issue of passport. But it was withheld on the reasons that the petitioner is the accused in C.C No.919/2019 pending before this court. Learned counsel submitted that if the passport is not

issued to the petitioner, he would lose his job opportunity and it would affect his livelihood also. He also submitted that he will not dispute his identity during the entire course of trial. Hence the petitioner/accused No.1 filed this application for the issue of passport and permission to travel abroad to the petitioner for a period of two years.

3. The prosecution case is that the petitioner/accused No.1 in this case alleged to have committed offences under sections 448, 214 and 506(i) read with 34 of the Indian Penal Code, 1860 registered by the Thiruvallam Police Station. The Station House Officer of Thiruvallam Police filed report objecting the aforesaid 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 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 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.**

7. The petitioner/accused No.1 is the sole bread winner of the family. On perusal of records it is seen that the charge has not been framed against the accused and the examination of occurrence witnesses are not yet started. 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 No.1 for the issuance of his passport. The petitioner/ accused No.1 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 facts and circumstances of this case, presence of accused is not required for identification purpose, the purpose and necessity for the visit of the petitioner in the foreign court and also if the petitioner is not allowed it will cause hardship to the petitioner/ accused No.1. Hence, for the aforesaid reasons and considering the stage of the case, I am inclined to grant permission to the petitioner/ accused No.1 to go abroad for a period of two years and the passport authority concerned is directed to issue passport to the petitioner/accused No.1 for a period of two years based on the following conditions:-

1. The petitioner/accused No.1 shall deposit an amount of ₹.5,000/- as cash security for granting permission before this court.
2. The petitioner/accused No.1 shall file a special Vakalath before this court empowering his counsel to represent his case in trial proceedings.
3. The petitioner/accused No.1 shall file an undertaking that he will not dispute his identity at the time of trial.

4. The passport officer of Regional Passport Office, Thiruvananthapuram is hereby directed to issue the passport to the petitioner/accused No.1, if he is not otherwise disqualified and petitioner /accused No.1 shall produce this order.
5. The period of passport shall be for a period of two years from the date of issuance of the same.
6. The petitioner/ accused No.1 is permitted to go abroad for a period of two years from the date of order.
7. The petitioner/accused No.1 shall file an affidavit disclosing his address in which he intends to stay abroad, E-mail id of his firm, contact number of his firm to which the communication from the court shall be sent.
8. The petitioner /accused No.1 shall file the true copy of visa, if any granted to him.
9. The petitioner / accused No.1 shall appear before this court as and when required.
10. The petitioner/ accused No.1 shall file an undertaking that in case of default of any of the following conditions specified above, the amount which is deposited according to 1<sup>st</sup> condition shall stands forfeited to the Government.

(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court, on this the 10<sup>th</sup> day of June, 2026)

Sd/-

Judicial First Class Magistrate – II,  
Neyyattinkara.

//True copy

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Neyyattinkara.