

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

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

Monday, 9th day of March 2026

Crl.M.P No. 1/26

In

C.C.2091/21

Petitioner/
Accused no.3 : Firoz Roshan Abdul Majeed, S/o Abdul Majeed Aliyar
Kunju, Kaitharavilakom Puthen Veedu, Pozhiyoor P.O.,
Kulathoor, Trivandrum Rural.

(By advocate G Sreekumaran)

Counter Petitioner : The State of Kerala, represented by the Sub Inspector of
Police, Pozhiyoor Police Station, in crime no.1178/21.

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

Order : Petition is partly 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 permission for renewal of Passport, who is the 3rd accused in Pozhiyoor Police Station Crime No.1178/21, which is pending before this court as C.C No.2091/21 alleging offences under sections 452, 294(b), 323, 324, 506(ii) and 427 read with 34 of the Indian Penal Code, 1860 and permission to travel abroad to the petitioner for a period of three years.
2. The petitioner/accused submitted that, he intends to go abroad in connection with his employment at Sharjah, UAE. The petitioner/accused submitted that he intends to renew his passport. The passport was expired on 28.01.26. The

petitioner further submitted that he has already been granted bail. 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 No.2091/21 pending before this court. Hence, the petitioner/accused No.3 filed this application seeking for an order directing the passport authority to renew the passport and permission to travel abroad to the petitioner for a period of three years.

3. The prosecution case is that the petitioner/accused No.3 in this case alleged to have committed offences under sections 452, 294(b), 323, 324, 506(ii) and 427 read with 34 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 renewal 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 the records, it is seen that the charge has been framed against the accused, and the examination of the occurrence witnesses has not yet commenced. 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 renew of his passport. The petitioner/accused No.3 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. Hence, for the aforesaid reasons and considering the stage of the case, I am inclined to grant permission to the petitioner/accused to go abroad for a period of two years 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 No.3 shall deposit an amount of ₹.5,000/- as cash security for granting permission before this court.
2. The petitioner/accused No.3 shall file a special Vakalath before this court empowering his counsel to represent his case in trial proceedings.
3. The petitioner/accused No.3 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 renew passport to the petitioner/accused No.3, if he is not otherwise disqualified and petitioner/accused No.3 shall produce this order.
5. The petitioner/accused No.3 is permitted to go abroad for a period of two years from the date of order.
6. The petitioner/accused No.3 shall file an affidavit disclosing his address in which he intends to stay abroad, E-mail id of the petitioner, contact number of abroad to which the communication from the court shall be sent.
7. The petitioner/accused No.3 shall file the true copy of visa and passport, if any granted to him.
8. The petitioner/accused No.3 shall appear before this court as and when required.
9. The petitioner/accused No.3 shall file an undertaking that in case of default of any of the following conditions specified above, the amount which is deposited according to 1st condition shall stand 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 9th day of March 2026)

Judicial First Class Magistrate – II,
Neyyattinkara.