

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

**Present: Sri.Albin J. Thomas, B.Sc., LLB,
Judicial First Class Magistrate - III**

Dated : Monday, 19th January, 2026/ 29th Pousha, 1947

CMP No. 01/2026 in CC No. 1158/2019

(Crime No. 567/2019 of Vellarada Police Station)

Petitioner/ Accused : Shahabudeen Ahamad Khan, Aged 57,
S/o Ahamad Khan, Mimisha Manzil,
Thazhakkada, Panachamoodu.P.O,
Thiruvananthapuram.
Represented by Adv. S.K.Shibu

Respondent : State - represented by the Sub Inspector of
Police, Vellarada police station in crime No.
567/2019.
Represented by Sri. Vishnu Thampi, APP)

Order : Petition allowed.

ORDER

This is a petition filed by the accused / petitioner in CC 1158/2019 under Section 6(2)(f) of Passport Act 1967.

2. The case of the petitioner/ accused is that he had got a job opportunity in abroad and for that purpose he had applied for passport. When he approached Regional Passport Office for a passport, they objected the application stating that they cannot issue a passport unless the sanction with no objection certificate from this Court is produced. Since the aforementioned criminal case is pending, he is in need of the permission of this court to obtain passport.

3. The offences against the petitioner / accused is under Sections 447, 294(b), 506(ii) and 427 of IPC.

4. Heard both sides.

5. The prayer made in the petition has been objected by the learned Assistant Public Prosecutor and the report submitted by respondent / SHO Vellarada shows that if the petitioner is permitted to obtain Passport at this stage, it will affect the trial of the case.

6. The counsel for the petitioner submitted that the petitioner / accused is in need of the permission of this court to obtain passport.

7. It is seen that the petitioner / accused is on bail in the aforementioned case. Charge was framed against the petitioner / accused.

8. As per Section 6(2)(f) of Passport Act 1967, the passport authority shall refuse to issue a passport if person in respect of any offence alleged to have been pending before criminal court in India applies for Passport. However, as per notification of the Government of India, Ministry of External Affairs No.GSR570(E) Dated 25-08-1993, the operation on Section 6(2) of the Act has been exempted, if the applicant for passport producing order from the court concerned permitting him to depart from India. As per the notification, the court is not supposed to issue direction to the passport officer to issue passport to an accused, but the court is giving permission to depart from India. If permission to depart from India is granted the rigour of Sec.6(2) of the Passport Act would go.

9. Having regard to the power of the court to grant permission under Section 6(2)(f) of Passport Act and the notification of **Ministry of External Affairs No.GSR570(E) Dated 25-08-1993**, and also considered the ruling of Hon'ble High Court of Kerala in Akhilesh **Vs. State of Kerala and others 2021(2) KLT 553** permission is hereby granted to the accused / petitioner to leave India for a period of three years subject on following conditions.

- (1) This court has no objection in issuing passport to the petitioner if he is otherwise eligible.
- (2) Permission is hereby granted to the petitioner / accused for a period of three years to leave India for the purpose of his job.
- (3) The period of three years shall commence from the date of issuance of the travel documents / Passport.
- (4) The petitioner shall make an application for the required travel documents within one month from the date of this order.
- (5) The petitioner shall deposit cash security of ₹.10,000/- (Rupees Ten thousand only) and he shall execute a bond undertaking to forfeit this amount to Government in case of his failure to appear before court on direction.
- (6) The passport authority shall ensure deposit of the amount before the court by verifying the receipt issued by this court.
- (7) He shall file an affidavit stating that he would appear before the court as and when required.
- (8) He shall file an affidavit stating that he will not dispute his identity during trial of the case.
- (9) This court has no objection in granting police clearance certificate to the petitioner for the purpose of going abroad for a period of three years, subject to the above conditions.

Pronounced by me in open court, this the 19th day of January, 2026.

Sd/-
Judicial First Class Magistrate - III
Neyyattinkara

//True Copy//

sk/-

Judicial First Class Magistrate - III
Neyyattinkara