

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, NEDUMANGAD**Present : Smt. Rajasree C.R, Assistant Sessions Judge.**

Thursday 3rd April, 2025
13th Chaithra, 1947

C. M.P . No. 74/ 2025 IN SC No. 900/2024

(Crime No.1553/2021 of Valiyamala Police station).

Petitioner/ 5th Accused:-

: Gokul A Jayapal @ Gokul, S/o Jayapalan,
House No. B1, NGO Quarters, Netta,
Nedumangad.

By Adv.

: Sri. G.T. Santhosh Sooryan

Respondent:-

: State of Kerala, Represented by the Sub
Inspector of Police, Valiyamala Police Station

By Advocate

: Sri. Kishore Raj. K. (AGP)

This petition having been finally heard on 28.03.2025 and the court on 03.04.2025 passed the following.

ORDER

This petition is filed by the fifth accused under section 22 of the Passport Act seeking permission to direct the Regional Passport Officer, Thiruvananthapuram to issue a new passport.

2. **Petition averments in brief are stated as follows:-** Petitioner is the fifth accused in the this case. Case has been registered against him, as crime No.1553/2021 of Valiyamala police station, under sections 143, 147, 148, 294(b), 323, 324, 506(ii), 354 & 308 r/w s.149 of the Indian Penal Code and under section 3 and 5 of the Explosive Substances Act. The petitioner is falsely implicated in this case he is totally innocent. The petitioner has completed the course of Hotel Management and has obtained several job opportunities at foreign countries. When the petitioner acquired for passport, the same was denied due to the pendency of this case. The petitioner is the sole breadwinner of his family and is intending to go abroad for his livelihood. Thus, this petition is filed seeking a direction to the Regional Passport Officer, Thiruvananthapuram to issue a passport.

3. The learned Additional Government Pleader/Public Prosecutor filed report. In the report, the Sub Inspector of Police, Valiyamala Police Station has stated that if the petitioner obtains passport, there is every chance of delaying the trial and it will give a wrong message to the society and to the complainant.

4. Heard both sides.

5. **Points that arose for consideration are:-**

- (1) Whether the petitioner is entitled to get an order directing the Regional Passport Officer, Thiruvananthapuram to consider his application for a new passport?
- (2) Reliefs?

6. **Point No.1 and 2:-** Prosecution alleges that the accused along with others committed the offences punishable under sections 143, 147, 148, 294(b), 323, 324, 506(ii), 354 & 308 r/w S.149 of the Indian Penal Code and under sections 3 and 5 of the Explosive Substances Act. This application is filed by the petitioner/fifth accused herein seeking permission to direct the Passport Officer to issue a passport. The affidavit discloses that the petitioner is intending to go abroad to seek an avocation. There is absolutely no doubt that pendency of the criminal case is not a reason to disallow the legitimate need of the petitioner to get a passport issued in his name, if he obtains an order from the court concerned. In the present case, the petitioner is the sole breadwinner of his family and is intending to go abroad to get an avocation to meet his livelihood. The right of the petitioner to travel abroad cannot be curtailed due to the pendency of any criminal case. Here, the case stands posted for the appearance of the accused. That means, trial has not yet commenced. Denying the petitioner the opportunity to go abroad will definitely cause hardship and loss to him. Having satisfied with the reasons stated in the affidavit and considering the stage of this case, I am of the view that the prayer sought for can be allowed. Thus, these points are found in favour of the petitioner.

In the result, this application is allowed as follows:

- a) The Regional Passport Officer, Thiruvananthapuram is directed to consider the application of the petitioner to issue a passport for a

period of three years according to Rules, ignoring the pendency of this case, if he is otherwise eligible for the same.

b) Petitioner shall inform the Court prior to his leaving India.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 3rd day of April, 2025).

**Sd/-
Rajasree.C.R.
ASSISTANT SESSIONS JUDGE**

Appendix:- NIL

**Id/-
ASSISTANT SESSIONS JUDGE**

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ASSISTANT SESSIONS JUDGE

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Comp.by:

