

**IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, NEDUMANGAD.
PRESENT : SMT. RAJASREE.C.R., ASST. SESSIONS JUDGE
Wednesday 11th December, 2024/20th Agrahayana 1946**

CRIMINAL M.P.No.196/2024 IN SC.No.1077/2024

Petitioner : Hassain.M.H., S/o Hashim, M.H. House Near
Darsana, Valicode, Nedumangad.P.O.,
Nedumangad, Thiruvananthapuram.

By Adv. : Adv. Sri. B.R.M. Shafeer

Respondent : 1. Station House Officer, Nedumangad Police
Station.
2. Regional Passport Officer,
Thiruvananthapuram.

By Advocate : Sri. Kishore Raj. K.

This petition having been finally heard on 07/12/2024 and the court on 11/12/2024 passed the following.

ORDER

This petition is filed by the third accused under section 22 of the Passport Act directing the Regional Passport Officer, Thiruvananthapuram to renew his passport.

2. **Petition averments in brief are stated as follows:-** Petitioner is the third accused in the above case. Case has been registered against him, as crime No.616/2022 of Nedumangad police station, under sections 143, 147, 148, 294(b), 506(ii), 341, 323, 324, 326 and 307 r/w 149 of the Indian Penal Code. Petitioner has obtained a job opportunity abroad in a reputed company. However, his Passport bearing No.W5942240 expired. The petitioner requires a job offer for better life. So, this application is to direct the Passport Officer to consider the application of the petitioner to renew the passport.

3. The learned Additional Government Pleader filed report. In the report, the Inspector of Police Nedumangad Police Station has stated that if the petitioner is permitted to renew his passport, there is every chance of delaying the trial and also chance of his absconding.

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 renewal of 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), 506(ii), 341, 323, 324, 326 and 307 r/w 149 of the Indian Penal Code.

7. The petitioner/third accused is seeking a prayer to direct the passport officer to renew his passport. The petition discloses that the third accused was holding a valid Indian Passport bearing No.W5942240, that expired. He has obtained a job abroad in a new company. The affidavit filed by the petitioner would disclose that he is in need of a job for the betterment of his family.

8. There is absolutely no doubt that pendency of the criminal case is not a reason to disallow the legitimate need of the petitioner to renew his passport, if he obtains an order from the court concerned. In the present case, the accused appeared on summon on 17.08.2024 and filed memo disclosing that he is continuing in the same bail bond executed in the crime stage on 26.11.2024. That

means, the case is only in its initial stage. Having satisfied with the reason stated in the affidavit and considering the stage of this case, I am of the view that there is no need to deny the prayer of the petitioner to direct the Regional Passport Officer to renew his passport. In light of these reasons, 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 renew his passport for a period of two 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 country.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 11th day of December, 2024)

Sd/-
RAJASREE.C.R.
ASSISTANT SESSIONS JUDGE

Appendix:- NIL

Id/-
ASSISTANT SESSIONS JUDGE

//True copy//

ASSISTANT SESSIONS JUDGE

Typed by:D.R.
Comp.by:

