

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, NEDUMANGAD

Present : Smt. Rajasree C.R, Assistant Sessions Judge

Thursday 9th October, 2025
17th Aswina, 1947

CMP 97/2025 IN SC 1077/2024
(Crime No. 612/2022 of Nedumangad Police Station)

Petitioner/ 2nd Accused:- : Muhammed Afas, S/o Abdul Raseek,
N R Manzil, Narichilodu, Kollamkavu,
Pazhakutty P O, Karippoor Village,
Nedumangad Taluk.

Rep. By : Adv. S S Sanjeesh

Respondent:- : State of Kerala, Rep by Sub Inspector of Police,
Nedumangad Police Station.

Rep. By : Adv. Kishore Raj. K. (AGP)

This petition having been finally heard on 04.10.2025 and the court on 09.10.2025 passed the following.

ORDER

This application is filed by the second accused seeking a prayer to return the passport surrendered before this court.

2. Petition averments, in brief, is as follows: The petitioner is the first accused in the crime registered under section 143, 147, 148, 294(b), 506(ii), 341,323,324, 326, 307 r/w S. 149 of the Indian Penal Code. As per the order in BA no. 3901/2022 dated 02.06.2022 of the Hon'ble High Court of Kerala, the petitioner had surrendered the passport before the JFCM-II, Nedumangad. Now it is in the custody of this Court. The petitioner is an unemployed youth and got an opportunity to work abroad for two years. If this court returns the passport, the petitioner will get the job and is ready to abide by any of the conditions stipulated by this Court. Thus, this application.

3. Heard the learned Additional Public Prosecutor and the learned counsel for the petitioner/second accused. Learned Additional Public Prosecutor submitted that if passport is returned to the petitioner, there is every likelihood that he would abscond.

4. Points arose for consideration are:

1. Can this Court return the passport of the second accused surrendered before JFCM-II, Nedumangad in compliance with the order of Hon'ble High Court?

2. What is the order as to costs?

5. Point no.1: The petitioner is the second accused in crime no.616/2022 of Nedumangad Police Station for the offences punishable under sections 143, 147, 148, 294(b), 506(ii), 341,323, 324, 326, 307 r/w S.149 of the Indian Penal Code. He was granted bail by the Hon'ble High Court as per the order in bail application no.

3901/2022 dated 02.06.2022. As per the order, the petitioner was directed to surrender his passport before the jurisdictional court and also there is a direction that if the petitioner does not have a passport, he shall execute an affidavit to that effect and shall file the same before the Court concerned within 7 days of his release on bail. In compliance with the order, the petitioner had surrendered his passport before JFCM-II, Nedumangad. Now, the petitioner wants to get back his passport to go abroad in connection with a job. The passport of the petitioner was surrendered as per the order of the Hon'ble High Court. The Hon'ble High Court has not empowered the jurisdictional court to consider the request to the petitioner to release the passport. In the case of **Anees v. State of Kerala**, in CrI.MC.No. 426/2011 the Hon'ble High Court of Kerala has held that when a condition is imposed by a Higher Court for surrendering the passport, the condition has to be modified by that Court even after final report is filed. Applying the decision in this case, I am of the view that without specific direction from the Hon'ble High Court empowering the jurisdictional court to consider the application for return of passport. Which is not possible for this court to modify the condition it is imposed by the Higher court for surrendering the passport. Thus, I am of the view that this petition filed cannot be entertained by this Court. So, this point is found against the petitioner.

6. Point no.2: There is no order as to costs.

In the result, this application is dismissed. No order as to costs.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 9th day of October, 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:*