

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, NEDUMANGAD

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

Wednesday 4th February, 2026
15th Magha, 1947

CMP 2/2026 IN SC 1077/2024
(Crime No. 616/2022 of Nedumangad police station)

Petitioner/ 8th Accused:- : Muhammad A, Aged 22 years,
S/o Assankannu Rawthar, Residing at
Assan Manzil, Near LMA LPS School,
Mancha, Nedumangad P.O, Nedumangad Taluk

Rep. By : Adv. G T Santhosh Sooryan & Adv. Anand B T

Respondent:- : The State of Kerala.

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

This petition having been finally heard on 03.01.2026 and the court
on 04.02.2026 passed the following.

ORDER

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

2. **Petition averments in brief are stated as follows:-** Petitioner is the eighth accused in this case. Case has been registered against him as in crime no.616/2022 of Nedumangad Police Station under sections 120(b), 143,147,148,294(b),506(ii),323,324,307 r/w.149 of the Indian Penal Code. The crime has been registered against the petitioner only to harass him. The petitioner is totally innocent. The petitioner is holding diploma in electric work. Now the petitioner had got several job opportunities at foreign countries. Due to the pendency of this case, the petitioner is not able to get a passport. Thus, this petition is filed seeking a direction to the Regional Passport Officer, Thiruvananthapuram to issue a new passport to him.

3. The learned Additional Government Pleader/Public Prosecutor filed report. In the report, the Inspector of Police, Nedumangad Police Station has reported that if permission is granted to obtain passport, there is every likelihood that the petitioner may abscond and it will prolong the trial.

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:-** This application is filed by the petitioner/ eighth accused herein seeking permission to direct the Passport Officer, Thiruvananthapuram to issue a new 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 bread winner 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 is only in its initial stage and is posted by under section 226 of the Code of Criminal Procedure, 1973. 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 reason stated in the affidavit and considering the stage of the case, I am inclined to allow this application, if the petitioner is otherwise entitled for getting a passport. 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 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 India.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 4th day of February, 2026).

Rajasree.C.R.
ASSISTANT SESSIONS JUDGE

Appendix:- NIL

ASSISTANT SESSIONS JUDGE

Typed by: Ya
Comp By: RPN