

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, NEDUMANGAD

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

Wednesday 4th June, 2025
14th Jyaishta, 1947

C. M.P. No. 87/ 2025 IN SC No. 1158/2023

(Crime No. 361/2021 of Pangode Police station,)

Petitioner/ 6th Accused:- : Sreeram, Aged 26 years,
S/o Chitra Shaji, O.S. Manthiram,
Moolayam, Aliyad P.O, Venjaramoodu,
Thiruvananthapuram.

By Adv. : Adv. Aikkara M Anilkumar

Respondent :- : State of Kerala

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

This petition having been finally heard on 31.05.2025 and the court on 04.06.2025 passed the following.

ORDER

This application is filed by the petitioner/sixth accused for getting an order of no objection from this Court to extend the validity of the passport of the petitioner bearing no.C5753868, for another one year from the

present expiry date 06.02.2027, to produce before the Passport Officer, Thiruvananthapuram.

2. **Petitioner averments, in brief, are as follows:** : The petitioner is the sixth accused in this case. He is permanently residing in the address shown in the petition. The petitioner is holding a valid Indian Passport bearing no. C5753868 issued by the Passport Officer Thiruvananthapuram and the same is valid up to 06.02.2027. The petitioner is working as Non Destructive Testing Technician and got an opportunity to work at Kuwait. The petitioner has entered into a labour contract with the company named M/s. Integral Service Company at Kuwait. The petitioner received an e-mail from the company informing him to arrange passport having validity not less than 2 ½ years. The validity of the passport issued to the petitioner, recently renewed, is for two years. Even though the petitioner approached the passport authorities for extending the validity, they suggested the petitioner to produce no objection order from this Court. If the petition is not allowed, the petitioner will be denied employment visa and it will cause irreparable loss to him. Thus, this application.

3. The learned Public Prosecutor filed the report of the Sub Inspector of Police, Pangode Police Station. In the report it is stated that if passport extension is allowed to the petitioner, there is every likelihood of delaying the trial and there is every chance that the petitioner would abscond.

4. Heard both sides.

5. Points that arose for consideration are:

1. Can this Court allow this application filed by the petitioner for getting an order of no objection from the Court for extending the validity of the passport for another one year?

2. What is the order as to costs?

6. **Point no.1.** The specific case put forth by the petitioner is that he is holding a valid Indian Passport bearing no. C5753868, renewed recently by the Passport Officer, Thiruvananthapuram for two years till 06.02.2027. According to him, he is working as Non Destructive Testing Technician and has got a job at Kuwait in M/s. Integral Service Company. When he received an e-mail from the company regarding his employment, he had notice that he should arrange passport having validity not less than 2 ½ years. However, the validity of the passport of the petitioner is only for two years. When the petitioner had approached the passport authority for extending the validity of the passport, they had instructed him to get a no objection order from this Court.

7. On perusal of the case records it is seen that this Court as per the order in CMP. 79/2024 had permitted the petitioner to go abroad and directed the passport authority to issue a passport for two years. In that application nothing has been stated that the validity of the passport should be extended for

more than two years. However, in this application the petitioner had stated that his employment visa will be cancelled and he will be put in peril and hardship, if validity of the passport is not extended to another one year from 06.02.2027. I have gone through the reasons stated in the affidavit. The right of the sixth accused/petitioner to travel abroad is guaranteed under the Constitution of India and settled by now as per the decision in **Menaka Gandhi v. Union of India**. The only condition is that the petitioner/sixth accused should obtain permission from this Court. Here is a case where the petitioner had already approached this Court for renewal of his passport and obtained an order from this Court. It is true that in the earlier order there was a specific instruction that the passport shall be renewed only for two years. That does not prevent the petitioner from extending the period of validity passport for another one year. The only requirement is that the petitioner should get an order from this Court. The affidavit discloses the urgent need of the petitioner to approach this Court seeking an order in his favour. The petitioner is aged 26 years. This court is not standing in the way of the petitioner in obtaining an employment visa at Kuwait. This case is of the year 2023 and trial has not yet commenced. So, I am of the view that the prayer sought for can be considered and allowed to meet the ends of justice. In the light of these reasons, I am of the view that an order can be passed intimating the passport authority that this Court has no objection in extending the

validity of the passport by the authority for another one year after the expiry of the period shown as 06.02.2027 in the passport, if the petitioner is otherwise entitled for the same. Thus, these reasons, this point is found in favour of the petitioner.

8. **Point no.2:** There is no order as to costs.

In the result, this application is allowed as follows:

- a) This Court has no objection if the passport authority is extending the validity of the passport of the petitioner/sixth accused, bearing no. C5753868, for another one year from the date of expiry, that is 06.02.2027, if the petitioner is otherwise entitled for the same.
- b) There is no order as to costs.

(Dictated to the confidential assistant, typed by her, corrected and pronounced by me in open court on this the 4th day of June, 2025.

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

Appendix:- NIL

Id/-
ASSISTANT SESSIONS JUDGE

//True copy//

ASSISTANT SESSIONS JUDGE

Typed by: Ya
Comp.by:

