

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, NEDUMANGAD.  
PRESENT : SMT. RAJASREE.C.R., ASST. SESSIONS JUDGE  
Wednesday 11<sup>th</sup> September, 2024/20<sup>th</sup> Bhadra 1946

**CRIMINAL M.P.No.142/2024 IN SC.No.1791/2019**

**Petitioner/Accused** : Jeevan Raj @ Jeevan, S/o Harikumar,  
Charuvila Puthen Veedu, Variyamkonam  
Kannichodu, Kalamachal Desom,  
Vamanapuram Village.

By Adv. : Adv. Sri. B.N. Sherin

**Respondent** : State represented by the Inspector of Police,  
Venjaramoodu Police Station in  
Cr.No.03/2017

By Advocate : Sri. Kishore Raj. K., A.P.P.

This petition having been finally heard on 09/09/2024 and the court on 11/09/2024 passed the following.

**ORDER**

1. This petition is filed by the first accused under section 22 of the Passport Act directing the Regional Passport Officer, Thiruvananthapuram to issue new passport to the petitioner.

2. **Petition averments in brief are stated as follows:-** Petitioner is the first accused in the above case. Case has been registered against him as crime No.3/17 of Venjaramoodu police station under sections 143, 147, 148, 294(B), 341, 323, 324, 326, 427, 307 r/w 149 of the Indian Penal Code and under section 27 of the Arms Act. The petitioner is a graduate and the sole bread winner of his family. His relative has arranged a visa for him for a job. For that purpose, it is

highly necessary for the petitioner to obtain a passport to go abroad to meet his livelihood. Thus, this petition is filed.

3. The learned Additional Government Pleader filed report. In the report, the Sub Inspector of Police Venjaramoodu Police Station has stated that if the petitioner obtains 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 a new passport?

(2) Reliefs?

6. **Point No.1 and 2:-** Prosecution case is that owing to the political enmity towards CW1 and towards other BJP members, the accused being the members of DYFI on 31.12.2016 at 12.00 hours at Manikkal Muri of Koliyakkodu village formed themselves into an unlawful assembly, in prosecution of their common object and committed rioting and armed with deadly weapons like sword, knife, stump, stones etc. The accused attacked CW1 and other BJP members at a place near Chelayam Bhagavathi Temple and inflicted serious injuries to CW1 and other BJP members by hacking with sword and striking with other weapons and attempted to commit murder. The accused also committed mischief by destroying the shed in the temple compound causing a loss of worth Rs.50,000/-. Thus, the prosecution alleges that the accused have committed the

offences punishable under section 143, 147, 148, 294(B), 341, 323, 324, 326, 427, 307 r/w 149 of the Indian Penal Code and under section 27 of the Arms Act.

7. This application is filed by the petitioner herein seeking permission to direct the Passport Officer to issue a new passport. This case stands posted for the appearance of the accused. The affidavit discloses that the petitioner got an opportunity to go abroad for an avocation. The petitioner is not holding an Indian Passport. He seeking permission to direct the passport officer to issue a passport on his application. There is absolutely no doubt that pendency of the criminal case is not a reason to disallow the legitimate need of the petitioner to issue new passport, if he obtains an order from the court concerned. Having satisfied that the petitioner wants a new passport to avail a job abroad to meet his livelihood, I am of the view that this application can be allowed directing the passport officer to issue a new passport if the petitioner is otherwise entitled for the same.

**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 new passport for a period of two years according to Rules ignoring the pendency of the 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 9<sup>th</sup> day of September, 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: