

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -
I NEDUMANGAD**

Present: Smt. Ruby Ismail

Judl. I Class Magistrate-I, Nedumangad

Dated: Tuesday, 6th January, 2026/ 16th Pousha, 1947

CMP No. 2/2026 in CC No.1296/2013

Venjaramoodu Police Station

Petitioner/ accused	Hilur Muhammed, Kunninpurathu Veedu through Sri. N. Aravindakshan Nair, Advocate, Nedumangad. Rep. by Adv. N. Aravindakshan Nair
Counter Petitioner	State represented by Sub Inspector of Police, Venjaramoodu Police Station in Crime No. 732/2012 Rep. by Sri. Manmohan.A, APP, Sr.Gr.
Order	Application is allowed.

This petition came up for hearing today and the court on the same day delivered the following:-

ORDER

This petition is filed by the Advocate representing the accused in CC 1296/2013 (Crime No. 732/2012 of Venjarammoodu Police Station), seeking permission of the court to renew the passport of the accused. The offences alleged are punishable u/Ss. 403, 406 & 420 of the IPC

2. **The petition averments in brief is as follows:** The accused is presently employed abroad and was holding Passport No. Y 2800684, which expired on 20.05.2025. Thus, the accused is now unable to return to India. Hence, the petition seeks to issue directions to the Passport Authority to renew the said passport. It also seeks to communicate a copy of this order to the Consulate General of India, Dubai, UAE. The petition also submitted that the accused is ready to abide by any condition that may be imposed by this court. Hence, this petition.

3. Copy of the said application was served to the learned APP.

4. The SHO filed report wherein he objected to the petition stating that if it is allowed, there is every chance for the accused to permanently stay abroad whereby his presence could not be procured in this case and thereby cause delay in trial.

5. Heard the learned counsel for the accused and the learned APP. The learned APP submitted only a formal objection to allowing this petition.

6. I have considered the submission of both sides and perused the records. The case alleged against the accused, as discernible from the records involves offences punishable u/Ss. 403, 406 & 420 of the IPC. As per Sec. 6(2) (f) of the Passports Act, 1967, the passport authority can refuse the issuance of passport or travel document for visiting any foreign county, on the ground of criminal proceedings, pending in respect of an offence alleged to have been committed by the applicant, before Criminal Court in India. But under S. 22 (a) of the said Act, the Central Government may, exempt any person or any class of persons from the operation of any provisions of the Act. Accordingly, the Central Government has issued **notification no. GSR 570(E) dated 25/08/1993 (published in the Gazette of India, Extra. Part II S. 3(i) dated 25/08/1993)** issued under clause (a) of S. 22 of the passports Act, 1967. By the said notification, the citizens of India against whom proceedings in respect of an offence alleged to have been committed by them, are pending before a criminal court in India and who produces orders from the court concerned permitting them to depart from India, are exempted from the operation of the provisions of clause (f) of sub-s.(2) of S. 6 of the said Act. The said notification also lays down certain conditions including a condition that the said citizen shall give an undertaking in writing to the passport- issuing authority that he shall, if required by the court

concerned appear before at any time during the continuance in force of the passport so issued. In **Ashok Kumar vs. State of Kerala [(2009) 2 KLT 712]**, the Hon'ble High Court of Kerala has categorically held that even in cases relating to passport offences, the court can grant no objection to apply for passport, subject to necessary conditions.

7. In the present case, the accused is on bail with sufficient sureties, and the case is presently at the trial stage. On consideration of the materials on record and the submissions made, this Court is satisfied that the prayer in the petition is bona fide and that if the petition is not allowed, it would cause undue hardship to the accused.

In the result the CMP is allowed as follows on subsequent condition:

The Passport Authority, concerned is hereby informed that this court has no objection in renewing the Passport bearing No. Y2800684 of the accused, Hilur Muhammed, S/o Sainudeen in CC 1296/2013 (Crime No. 732/2012 of Venjaramoodu Police Station) for a period of two years from the date of this order, if he is otherwise eligible.

Office is directed to communicate the order by way of e-mail to the Office of Consulate General of India, Dubai, UAE as per the details provided by the Petitioner.

(Pronounced by me in the open court, this the 6th January, 2026)

Sd/-

Judicial First Class Magistrate - I,
Nedumangad

//True Copy//

Judicial First Class Magistrate - I,
Nedumangad