

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

Present: Akshaya P R, Judicial First Class Magistrate-II,
Nedumangad

Thursday, 7th day of May, 2026

C.M.P.2/2026

in

Crime No.199/2024 of Aruvikkara Police Station

(which is now pending as CC.336/2024)

Petitioner/ Accused no.3 : Nizamudeen.A, S/o.Abdul Gafoor,
Chanthavila veedu, TC 10/1603,Market lane,
Vattiyoorkavu.P.O.

(By Advocate Smt.Ashalekshmi.G.S.)

Counter Petitioner/
Complainant : Station House Officer, Aruvikkara police
station.

By Assistant Public Prosecutor

Offences : U/s. 447,294(b),323,324,427 r/w.34 IPC

Sentence or Order : The petition is allowed.

O D E R

1. The petitioner is the third accused in CC336/2024. This is an application seeking permission for renewing passport bearing no.C 0028898 which will expire on 2.9.2026 by accused no.3 in Crime No 336/2024 of Aruvikkara Police Station (which is now pending as CC 336/2024). It is stated that the petitioner/accused no.3 is alleged to have committed offences punishable U/s. 447,294(b),323,324,427 r/w.34 IPC.

2. The petitioner submitted that he is the third accused in CC 336/2024. He is intending to go abroad. Hence he is intending to renew passport. In order to renew passport, the petitioner requires permission of this court. Hence petition.

3.The Sub Inspector of police,Aruvikkara police station filed detailed report before this court.

4. This court heard learned counsel for the petitioner, learned A.P.P. and perused the records.

5. Learned counsel for the petitioner submitted that the petitioner is intending to renew passport. The present petition is filed by the petitioner/ accused no.3 for obtaining a non-objection certificate from this court and for producing the same before the Regional Passport office. As per the Passports Act, the Regional Passport Officer is the authority to issue passport to an Indian citizen. By virtue of the notification GSR 570(E) dated 25/08/1993, in exercise of the powers conferred by clause (a) of S.22 of the Passports Act, 1967, Government of India exempted *citizens of India against whom criminal proceedings are pending before a Criminal Court from the operation of S.6 (2) (f) of the Act on condition that the applicant produces orders from the Court concerned permitting to depart from India*. Reliance can be placed in the decision of the Hon'ble High Court of Kerala in ***Thadevoose Sebastian v. Regional Passport Office and Another*** in 2021(5) KHC 625. In that case, it was further held as follows:

“18. On an appreciation of the aforesaid decisions, it can be seen that the Courts have been constantly holding that the pendency of a criminal proceeding is not a bar for obtaining a passport or for travelling abroad. However, the only requirement in such cases is that the Court where the criminal proceeding is pending, must grant permission for the period of such travel or the period for which the passport can be issued. Based upon such permission, the passport issuing authority

can issue the requisite document enabling travel.”

6. On going through the records, it is seen that the accused, in the above numbered case is on bail. Now the case stands posted for evidence. Under these circumstances, in the interest of justice, this court permits the petitioner to renew passport for a period of two years and it is also noted that there is no objection to the renewal of passport of the petitioner for the said period.

Hence, the petitioner is permitted to renew passport for a period of two years on the following conditions:

- (1) This court is having no objection in renewing passport of the accused for two years and the decision in this regard may be taken by the passport authorities after considering the merits of the application in relation to the same.
- (2) The accused shall be represented at all hearing by his counsel during the period when he is not available.
- (3) The accused shall be present before court as and when directed by this court.
- (4) The accused shall not leave the country permanently or for a continuous term without obtaining prior and separate permission of this court u/s.205 of the Cr.P.C. and after complying all procedural formalities.

(Pronounced by me in open court on this 7th day of May ,2026)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE- II,
NEDUMANGAD

(True copy)

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