

IN THE COURT OF JUDICIAL MAGISTRATE FOR THE TRIAL OF FOREST OFFENCES,
NEDUMANGAD.

Present:- Haritha. G. H, Judicial I Class Magistrate for the trial of forest Offences,
Nedumangad.

Thursday 25th day of September, 2025

CRL. M.P. No. 3668/2025

CC 744/2013

(Palode Police Station Crime No. 178/2012)

Petitioner : Syam Kumar, Aged 43 years, S/o Sasidharan Asari, Sasi
Mandiram, Pattathinkara, 16th Mile, Thonnakkal. P. O, TVM.
(By Adv. Sri. B. R. M. Shafeer)

Respondent : State represented by the Sub Inspector of Police,
Palode Police station.

(By APP-II, Nedumangad)

This petition came up for hearing and the court delivered the following :-

ORDER

This petition is filed by the petitioner / accused in Crime No. 178/2012 of Palode Police station alleging offences punishable u/ss. 454, 380 and 411 r/w 34 IPC seeking no objection for renewal of passport.

2. Petition averment in brief is that he is a passport holder bearing No. Y 1620930 and his passport will expire on 07-04-2026. He further stated that he has got job abroad and he intends to join job for the livelihood of him and his family. Hence seeks permission of the court for renewal of passport.

3. Heard both sides and perused records. Report called for from SHO, Palode Police Station. SHO, Palode Police Station filed report stating that if application is allowed there is every chance for accused fleeing from justice. In 2021 (2) KHC 752 Hon'ble High Court has held that "Whether the petitioner is to be exempted from the operation of S. 2(f) of Passport Act it has to be decided by court concerned dealing with the case directly, taking in to

consideration of the important factors such as present stage of investigation or trial, whether the presence of accused is required for identification purpose, the time required for culmination of the case in normal course, the purpose or necessity of visit of the applicant in the foreign country, the consequences or difficulties that may cause to applicant if refused, the delay that may necessarily happen in disposal of criminal case. In this context a duty is also cast upon the court to take into account of the fact that the pending of criminal case shall not stand on the way or cause hindrance to decide future of respondent”. Petitioner is the accused in this case. On going through the records it is seen that the petitioner is on bail and trial has commenced in this case. There is no chance for the trial being ended in near future. Hence I am of the view that the petition can be allowed and this court has no objection in renewing passport for a period of three years to the petitioner on following conditions.

In the result petition is allowed and the permission is granted for renewal of passport for a period of three years on following conditions.

1. The period of three years shall begin from the date of renewal of passport.
2. He shall intimate the date of leaving India and his address abroad to this court and shall take the prior permission of court before leaving the country along with application for exemption and also file affidavit stating that he shall not dispute his identity and shall not take a plea that evidence recorded in his absence.

Pronounced in open court on this the 25th day of September, 2025.

Sd/-

Judicial Magistrate of the I Class Magistrate,
for the Trial of Forest Offences,
Nedumangad.