

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, KALPETTA, WAYANAD

Present :- Sri. Anup. A.B, Chief Judicial Magistrate, Kalpetta

Saturday, this the 16th day of August 2025
25th day of Sravana 1947(S.E)

CRIMINAL MISCELLANEOUS PETITION NO. 2325/2025

IN CALENDAR CASE NO.383/2023

(Kalpetta Police Station Crime No.192/2008)

Petitioner/Accused - A6. Muhammed Sadhique
S/o.Abdhurahiman,
Arimbrathodi House, Kappamkunnu,
Chundale.

(By Adv.K.K.Sebastian)

Respondent/Complainant - State represented by the Station
House Officer, Kalpetta, in Cr.No.192/08

(By Sri.Nowshad M.A, DDP)

O R D E R

1. This is a petition filed to get back the passport.

2. **Case of the petitioner in brief** :- The petitioner is the accused in the above case and the offences alleged against him are punishable under Section 143, 147,148,353, 332 and 427

r/w 149 of Indian Penal Code. The petitioner is innocent and a false case has been registered based on political enmity. The petitioner has obtained a job in Damam Airport and he is now working there as per the permission granted by this Court. As per order in CMP. 7156/2023 petitioner was granted permission to renew his passport for a period of three years. He was directed to surrender his passport within a period of one year. Since due to an inadvertent mistake, the petitioner failed to surrender his passport within one year. It was not intentional and there is no negligence on the side of the petitioner. When the petitioner came to know about the fact that he had to surrender his passport within one year he obtained leave from his job at abroad and returned back to India. Since the petitioner is working at abroad he needs to passport and he prays for returning the passport after verifying the same. Hence this petition.

3. The respondent filed report stating that if the petitioner is permitted to go abroad there is a possibility for him to abscond. So, the respondent prays for dismissing the petition.

4. Heard both sides.

5. Point that arise for consideration is :

- 1) Are there sufficient grounds to allow this petition ?

6. **Point No.1** : According to the petitioner, he is now working at abroad and due to an inadvertent mistake he failed to surrender his passport within one year in compliance to the order of this Court in CMP 7156/2023. According to the petitioner when he came to know about such a condition, he took leave from his job and returned to India to surrender his passport. The petitioner has surrendered his passport only on 07/08/2025. So, he has not complied with the order of this court to surrender the passport which expired in the month of 22/12/2024. As per order in CMP 7156/2023 the petitioner was directed to surrender his passport within one year from the date of the order. According to the petitioner now also he is working at abroad and he needs his passport in order to go abroad. Since the petitioner is working at abroad the passport his highly necessary for the petitioner to travel abroad, I am of the view that the passport can be returned to the petitioner. But since the petitioner has failed to surrender his passport within the time stipulated as per order in CMP 7156/2023, I am of the view that the passport can be returned to the petitioner by imposing strict conditions. The petitioner is already exempted from personally appearing before this Court during further proceeding as per order in CMP 7156/2023. So, the passport of the petitioner can be released to the petitioner. So, this point is is found in favour of the petitioner.

7. In the light of the discussions in point No.1 it is clear that the passport of the petitioner can be released to the petitioner. So the petition is liable to be allowed.

8. In result, petition is allowed and the passport of the petitioner is released to the petitioner on condition that:-

- 1) The accused shall deposit cash security of Rs.20,000/-(Rupees twenty thousand only). It is hereby clarified that the amount so deposited shall be returned to him after he returns back to India and after he surrender his passport.
- 2) The accused shall surrender his passport as and when required by this court.

(Dictated to the Confidential Assistant, transcribed and prepared by her in computer, corrected and pronounced by me in open Court this the 16th day of August 2025)

**CHIEF JUDICIAL MAGISTRATE.
KALPETTA**