

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I.
SULTHAN BATHERY

Present:- Smt. Safeena C.C,
 Judicial First Class Magistrate-I,
 Sulthan Bathery.

Thursday 7th day of August, 2025
16th day of Sravana, 1947

C.M.P 1054/2025 IN CC 560/2015

Petitioner/Accused	A8 Abeesh S/o Abdurahiman, Kacherikunnummal, Koorachundu Post, Kozhikode Rural, Kozhikode 673527. (By Adv.K.S.Manoj Kumar)
Respondent/Complainant	R1 State represented by the Sub Inspector of police, Ambalavayal police station, in crime No. 37/14 (By Aneesh Joseph, APP Gr.I) (in charge) R2 Regional Passport Officer, Regional Passport Office, Eranjuppalam, Kozhikode.
Order	: Petition allowed.

This application having been heard finally on 5.8.2025 and the court passed the following: -

O R D E R

This is an application filed by the petitioner/8th accused in CC 560/2015, seeking a direction to the Regional Passport Officer, Kozhikode, that this court has no objection to the renewal of the passport bearing number Y 4017137.

2. The petitioner/8th accused in CC 560/2015, has filed the present application seeking a direction to the Regional Passport Officer, Kozhikode, to the effect that this Court has no objection to the renewal

of Passport No. Y4017137.

3. The averments in the petition are as follows: The petitioner, who is the 8th accused in the above-mentioned case and is charged with offences under Sections 457, 461, 380, and 411 read with Section 34 of the Indian Penal Code, holds Indian Passport No. Y4017137. The said passport expired in 20.06.2025. The petitioner seeks a direction from this Court to the Regional Passport Officer, Kozhikode, to the effect that this Court has no objection to its renewal, in order to avoid irreparable loss and hardship.

4. No report has been filed. Despite repeated opportunities and specific directions issued by this Court, the police have not complied with the order. Accordingly, the prosecution is treated as having no objection to the renewal of the passport.

5. As per sec.6(ii) of Passports Act the Passport Authority shall refuse to issue a passport under clause (c) of sub section (2) of Sec.5 on any of the grounds enumerated in that section. Clause (f) of that section says that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. Sec.7 of the said Act deals with the duration of passport. Sec.22 of the said Act enables the Central Government to exempt any person or class of persons from the operation of all or any of the provisions of the Act or the Rules made there under in public interest, by notification in the official gazette. It is invoking the said power; the Government of India has issued notification no GSR 570 E dated 25/08/1993 exempting citizens of India against whom proceedings in respect of offences alleged to have been committed by them are pending before a criminal court in India and who produces orders in the court permitting them to depart from India from the operation of

the provisions of clause(f) of sub. Sec (1) of sec.6 of the said Act. The Hon'ble High Court in Muhammed Shafi v. Regional Passport Officer, 2017 (2) KLT 309 held that when the Magistrate is considering any such application, it is always open to the Magistrate to specify a period to issue a passport in accordance with the facts and circumstances of each case.

6. Upon a perusal of the above provisions, it is clear that the court cannot restrict a person from exercising their statutory right to obtain a passport. Consequently, the application filed by the petitioner seeking permission for the renewal of the passport is liable to be allowed, provided the petitioner is otherwise eligible as per law. The validity of the renewed passport shall be for a period of two year. However, if the petitioner intends to travel to any foreign country, they shall not do so without obtaining prior permission from this Court.

7. In the result, the application is allowed. The passport authorities are at liberty to renew the passport of the petitioner/8th accused (Passport No. Y 4017137) for a period of two years, provided the petitioner submits the application within two months from today. The passport authorities shall take a decision on such application in accordance with law and after considering its merits.

(Pronounced by me in open Court this the 7th day of August 2025)

sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I

//True copy//

JUDICIAL FIRST-CLASS MAGISTRATE-I
SULTHN BATHERY