

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

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

Saturday 20th day of December 2025
29th day of Agrahayana, 1947

CMP No. 2277/2025 IN CC 1370/2025

Petyitioner/Accused : Shemin Francis S/o Francis, aged
31, Thekekunnu House,
Panayambam, Chethalayam,
Kidanganad, Sulthan Bathery.
(By Adv. P.R.Sajimon)

Respondent/Complainant : State represented by the Sub
Inspector of Police, Sulthan Bathery
Police Station in Crime NO. 217/25.
(By Aneesh Joseph, APP Gr.I) (in
charge)

Order : Petitin allowed.

This petition, having been finally heard on 15.12.2025, the
Court passed the following order: -

O R D E R

The petition filed before this Court seeks a direction to
the Regional Passport Officer, Kozhikode, to issue a passport to the
petitioner, who is an accused in a criminal case. The petitioner
stands accused of having committed offences punishable under
Sections 281, 125(a), and 125(b) of the Bharatiya Nyaya Sanhita
(BNS).

2. The averments of the petitioner are as follows: The
petitioner, who is the accused in the above case, seeks an order from
this Hon'ble Court permitting him to obtain a passport. The
petitioner had applied for the issuance of a passport for the purpose
of travelling abroad in connection with prospective employment;

however, during police verification, the Passport Authority declined to issue the passport on the ground that a criminal case is pending against him and informed him that the passport could be issued only on the basis of a specific order from this Hon'ble Court. As the passport has not been issued pursuant to the said application, the petitioner is unable to travel abroad for employment and, in the absence of a passport, is deprived of his means of livelihood and is likely to remain unemployed, since he can avail the proposed employment opportunity only if he is permitted to travel abroad. The petitioner therefore humbly prays that this Hon'ble Court may be pleased to intervene in the matter and issue appropriate directions to the Passport Authority to grant and issue a passport to the petitioner, in the interest of justice.

3. Notice of the application was given to the learned APP.

4. The prosecution filed a report stating that the investigation in the above case has been completed, that a charge sheet has been filed before this Court, and that the recording of evidence is yet to be completed. It is further submitted that if the petition is allowed at this stage, the accused is likely to go abroad and thereby adversely affect the progress of the trial. Hence, the prosecution prayed for dismissal of the petition.

5. Heard.

6. Point arises for consideration: -

- i) Whether the petition is likely to be allowed?
- ii) Orders?

Point:-

7. On a perusal of the records, it is seen that the investigation in the above case has been completed and the matter is

presently pending trial before this Court. The trial has already commenced. It would not be in the interest of justice to deprive the petitioner of his means of livelihood merely on account of the pendency of the case. Appropriate and sufficient conditions can be imposed to safeguard the interest of the prosecution. However, it is not proper for this Court to issue a direct mandate to the Passport Authority to grant a passport, as the same has to be decided by the competent authority upon consideration of a valid application in accordance with law. Hence, this Court finds that a communication can be issued stating that, insofar as this case is concerned, this Court has no objection to the Passport Authority issuing a passport to the petitioner, subject to consideration of a proper application. In the light of the above, the petition is allowed subject to the following conditions: —

- (1) The petitioner/Accused shall furnish his passport details before this court.
- (2) The petitioner/Accused shall file an affidavit stating that he will be complying with the above conditions.
- (3) The petitioner/Accused shall not leave India without the prior permission of the court.

It is also hereby expressed that this court has no objection in issuing a passport to the petitioner with regard to the above case. The decision in this regard may be taken by the passport authorities after considering the merits of a proper application.

(Pronounced by me in open court on this 20th day of December 2025)

sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I

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SULTHAN BATHERY