

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

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

Wednesday 3rd day of June 2026
 13th day of Jyaishta, 1948

C.M.P 1/2026 IN CC 658/2016

Petitioner/Accused	:	Haseeb S/o Kunhu Muhammed, aged 39/16, Kuttikattil House, Cheeral amsom, Cheeral. (By Adv. K. Saji Varghese)
Respondent/Complainant	R1	State represented by the Sub Inspector of police, Sulthan Bathery police station, in crime No.916/16. (By Sri. Abdul Hassan T APPGGr.II)
	R2	Regional Passport Officer, Eranjippalam, Kozhikode.
Order	:	Petition allowed.

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

O R D E R

This is an application filed by the petitioner, who is the accused in CC No. 658/2016, seeking a direction to the Regional Passport Officer, Kozhikode, to renew Passport No. P1011513, on the basis that this Court has no objection to such renewal.

02. The petitioner, who is the accused in the above case involving offences punishable under Section 420 of the Indian Penal Code, submits that as per the prior permission granted by this Court on 01.02.2021, he had proceeded abroad and is presently employed in

Bahrain. It is further stated that he has applied for renewal of Passport No. P1011513 before the Regional Passport Officer, Kozhikode, and pursuant to police verification, he was informed that a No Objection Certificate from this Court is required for processing the renewal application. The petitioner further contends that he has no other cases pending before this Court or any other court and that this is his first application for renewal of the passport. He therefore prays that this Court may be pleased to issue a direction or No Objection Certificate to the Regional Passport Office, Kozhikode, stating that this Court has no objection to the renewal of Passport No. P1011513 for a further period of 10 years, to enable him to continue his employment abroad.

03. The prosecution has not filed any report in CMP No. 1/2026. Hence, no objection has been reported.

04. Heard both sides and perused the records.

05. This is an application filed by the petitioner/accused in CC No. 658/2016 seeking a direction to the Regional Passport Office, Kozhikode, to the effect that this Court has no objection to the renewal of Passport No. P1011513. The case arises from a final report submitted by the Sub Inspector of Police, Sulthan Bathery Police Station, alleging offences punishable under Section 420 of the Indian Penal Code. The petitioner submits that he is the holder of the aforesaid passport, which expired on 30.06.2026, and that renewal of the same requires permission of this Court due to the pendency of the case.

06. 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.

07. On a perusal of the aforesaid provisions, it is evident that this Court cannot impose any restriction on the statutory right of a person to obtain or renew a passport, subject to compliance with the requirements prescribed under the relevant law. Therefore, the application filed by the petitioner/accused seeking permission for the renewal of Passport No. P1011513 deserves to be allowed, provided that the petitioner is otherwise eligible in accordance with law. However, the validity of the renewed passport shall be restricted to a period of two years. It is also pertinent to note that the petitioner/accused was granted exemption from personal appearance in terms of the order in CMP No. 3516/20 dated 07.12.2020.

08. In the result, this application is allowed. The Passport Authorities shall be at liberty to consider the petitioner's application for renewal of Passport No. P1011513 and, if found eligible, renew the same for a period of two years. The petitioner shall submit the requisite application before the competent Passport Authority within a period of two months from the date of receipt of a copy of this order. Upon receipt of such application, the Passport Authorities shall consider and dispose of the same on its own merits and in accordance with law.

(Pronounced by me in open Court this the 3rd day of June 2026).

sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I

//True copy//

JUDICIAL FIRST-CLASS MAGISTRATE-I
SULTHAN BATHERY