

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS – I,
MANANTHAVADY.

Present : Sri. Manikandan C.K., B.Com., L.L.B
Judicial Magistrate of first Class – I, Mananthavady.

Saturday, this the 23rd day of December, 2023
2nd day of Pousham, 1945 (S.E)

C.M.P.No: 3848 / 2023
in CC No. 200/2021

Petitioner/accused No.2 : Jithin Thomas (28/20) years,
S/o. Thomas
Panamada veedu, Alanchery, Vellamunda amsom.
(Rep. By. Joseph T.J)
Respondent: State represented by the
SHO, Vellamunda Cr. 20/2021.
(By Smt. Sukanya. P. APP. Gr.1I)

O R D E R

This is an application filed by the petitioner/accused No.2 for issuing direction to the Passport Officer to renew the passport of the petitioner.

2. The petitioner is the accused in CC 200/2021 on the file of this court registered for the offences punishable under sections 353, 506(i) r/w 34 of Indian Penal Code and Sec. 3, 4 of PDPP Act. Petitioner is the holder of the Indian Passport bearing No.M 6099709. Petitioner/accused No.2 had valid passport till dated 12/02/2025. Petitioner/accused No.2 applied for renew his passport vide application No 23-1014642213 dated 30/11/2023. According to the petitioner, as a criminal case is pending against the petitioner, permission of the Court is required. Hence, this petition to grant permission to apply for renew the passport of the petitioner bearing No. M 6099709.

3. Copy of this application was given to learned Assistant Public Prosecutor. Police filed report as called for. Police objected the prayer in the application by stating that if the prayer is allowed, there is a chance to go abroad, absconding and it will affect the trial of this case.

4. Perused the records.

5. The only point to be determined is:

Whether the petition is to be allowed?

6. Point: The petitioner wanted this Court to give direction to passport authority to renew the passport. In **S.K Ashok Kumar V State of Kerala 2009 (2) KLT 712** it has been held that by the notification NO. GSR 570(E) dated 25/08/1993 issued by the Central Government the citizen against whom a criminal case is pending are entitled to get a passport on producing an order from the Court permitting to depart from India.

7. Considering the above observation and facts and circumstances of the case, this petition is to be allowed and I do so.

8. Hence, I am inclined to allow the petition subject to the following conditions.

- (i) Petitioner is directed to produce his passport for the purpose of renewal before the Passport Authority concerned.
- (ii) The Passport Officer, Passport Seva Kendra, Vadakara, Ground Floor and First Floor of Koyenco Enclave, Vatakara, Kozhikkode-673 101 is hereby permitted to consider the application of petitioner for the renewal of passport bearing No. M 6099709 and renew the same for one year from 13/02/2025, if he is otherwise eligible for the same.
- (iii) Petitioner shall not go abroad without the order of this Court.
- (iv) Petitioner shall produce the copy of renewed passport before this Court within 15 days of receipt of the same.

(Pronounced by me in the open Court this the 23rd day of December, 2023)

Sd/-
JUDICIAL FIRST CLASS MAGISTRATE-I,
MANANTHAVADY.

// True Copy //

JUDICIAL FIRST CLASS MAGISTRATE-I,
MANANTHAVADY.