

IN THE COURT OF GRAMA NYAYALAYA, KALPETTA

Present: Ms. Adheena Biju, Nyayadhikari
Dated this the Wednesday, 3rd day of June, 2026

C M P No. 2/2026 in ST. 129/2022
(Cr. No.534/2022 of Meppadi Police Station)

Petitioner/ Accused No.3	Jadeer.T.K, Thupparikkodan House, Kadoor, Meppadi, Vythiri Taluk, Wayanad. (Rep by Adv. A.J.Antony)
Respondent/ Complainant	The State of Kerala represented by SHO, Meppadi Police Station in Crime No.534/2022 (Rep by Sri. Shyam Krishna KR, APP Gr.II)
Provision	Under Section 447, 294(b) r/w 34 of IPC
Order	Allowed

ORDER

1. The present petition is filed by Accused No. 3, the petitioner herein, seeking permission to renew his passport and for a consequential direction to the Passport Authority to renew the passport.
2. **The petition averments in brief, are as follows:** The petitioner/Accused No.3 contends that he had earlier obtained exemption from personal appearance in CMP No. 199/2025 under Section 355 BNSS on account of his employment abroad and that he has been complying with all the conditions imposed therein. It is further stated that he was issued Passport No. AB951633 pursuant to the order in CMP No. 215/2025, which is valid up to 25.06.2026. According to the petitioner, renewal of the passport for a period of ten years is necessary for continuation of his employment abroad and failure to do so may result in cancellation of his visa. The petitioner

undertakes to abide by all conditions imposed by this Court and to produce a copy of the renewed passport before the Court. It is further contended that denial of permission would cause him irreparable hardship and loss. Hence, the petition is filed seeking permission to renew the passport and for issuance of appropriate directions to the Passport Authorities.

3. The copy of the petition was served on the prosecution, and the Station House Officer, Meppadi Police Station, filed a report objecting the prayer on the ground that allowing the same would delay the trial and affect the interest of justice to the complainant.
4. Heard both sides. Perused the records.
5. As per Section 6(2)(f) of the Passports Act, the passport authorities may refuse to issue a passport to a person against whom criminal proceedings are pending. However, in accordance with Section 22 of the Passports Act and the Government of India Notification GSR No. 570(E) dated 25.08.1993, Indian citizens facing criminal proceedings in courts are exempted from the operation of Section 6(2)(f) of the Act, subject to the condition that they must produce an order from the concerned court permitting issuance/renewal of passport. Furthermore, as per the judgment of the Hon'ble High Court of Kerala in *Mohammad Shafi v. Regional Passport Officer [2017 (2) KHC 484]*, criminal courts have the authority to direct the passport authority to issue a passport to an accused.
6. The learned counsel for the petitioner placed reliance on the decision of the Hon'ble Supreme Court in *Mahesh Kumar Agarwal v. Union of India* (2025 INSC 1476) to contend that this Court is competent to grant the necessary permission. The Hon'ble Supreme Court held that pendency of criminal proceedings is not an absolute bar for issuance or renewal of a passport and that a criminal court may permit renewal of a passport while retaining control over foreign travel by directing the accused to obtain prior permission of the court before leaving the country. The Apex Court further

held that the Passport Authority cannot refuse renewal merely because criminal proceedings are pending when the competent court has consciously permitted such renewal subject to appropriate safeguards. This court finds force in the arguments advanced by the petitioner.

7. The offences alleged against the petitioner are punishable under sections 447, 294(B) r/w 34 of the Indian Penal Code. Currently, the petitioner is on bail and the trial has commenced. So far, the petitioner has cooperated with the trial. Considering the aforementioned circumstances, the nature of the crime, and having been convinced from the records that this case is unlikely to be disposed of within a year, it is found that there is no impediment to the petitioner being granted permission to renew passport. Therefore, this petition is liable to be allowed.
8. ***In the result***, the CMP 2/26 stands allowed. The petitioner is permitted to apply before the concerned Passport authority for renewal of his passport bearing No. AB951633 for a period of ten years. It is further clarified that the Passport Authorities shall take an independent and final decision on the application in accordance with law, upon considering its merits.

(Pronounced by me in the open Court on 3rd day of June, 2026)

NYAYADHIKARI

ORDER OF CMP 2/2026 IN ST 129/2022
DATED 03.06.2026