

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II

NEDUMANGAD

Present: Akshaya.P.R.,Judicial First Class Magistrate-II,
Nedumangad
Thursday, 8th day of January, 2026

C.M.P.4068/2025

in

Crime No.997/2019 of Nedumangad Police Station
(which is now pending as CC.1400/2019

Petitioner/Accused no..4. : Sameer,S/o.Siddique,
Thadatharikathu
veedu,Cheruveli,Chullimanoor.P.O.Nedumangad
taluk, Thiruvananthapuram district.

By AdvocateSri..M.Shajudeen

Counter Petitioner/
Complainant : Station House Officer, Nedumangad

By Smt.Little Flower.A.,A.P.P.Sr.Gr.

Offences : U/s.143,147,148,149,353 IPC & sec.3(2)(e) of
PDPP Act

Sentence or Order : The petition is allowed.

O D E R

This is an application seeking permission to go abroad and for getting permanent exemption from personal appearance by the petitioner/accused no.4 in Cr.No..997/2019 of Nedumangad Police Station (which is now pending as CC1400/2019. It is stated that the petitioner/accused is alleged to have committed offences punishable U/s.143,147,148,149,353 IPC & sec.3(2)(e) of PDPP Act.

2. The petitioner submitted that he is the 4th accused in CC.1400/2019. Now he is intending to go abroad in connection with job. Hence he is intending to obtain passport and for getting permanent exemption from personal appearance by the petitioner/accused no.4. In order to go abroad, the petitioner requires permission of this court. Hence petition.

3. Thereafter sufficient opportunities were granted to the officer concerned to file report in this application. But he has acted in disregard and has not filed any report before this court. In such circumstance, I have proceeded with the hearing of this case.

4. This court heard learned counsel for the petitioner, learned A.P.P. and perused the records.

5. Learned counsel for the petitioner submitted that the petitioner/accused is intending to go abroad in connection with job. The present petition is filed by the petitioner/accused for obtaining a no-objection certificate from this court and for producing the same before the Regional Passport office. As per the Passports Act, the Regional Passport Officer is the authority to issue passport to an Indian citizen. By virtue of the notification GSR 570(E) dated 25/08/1993, in exercise of the powers conferred by clause (a) of S.22 of the Passports Act, 1967, Government of India

exempted citizens of India against whom criminal proceedings are pending before a Criminal Court from the operation of S.6 (2) (f) of the Act on condition that the applicant produces orders from the Court concerned permitting to depart from India. Reliance can be placed in the decision of the Hon'ble High Court of Kerala in Thadevoose Sebastian v. Regional Passport Office and Another in 2021(5) KHC 625. In that case, it was further held as follows:

“18. On an appreciation of the aforesaid decisions, it can be seen that the Courts have been constantly holding that the pendency of a criminal proceeding is not a bar for obtaining a passport or for travelling abroad. However, the only requirement in such cases is that the Court where the criminal proceeding is pending, must grant permission for the period of such travel or the period for which the passport can be issued. Based upon such permission, the passport issuing authority can issue the requisite document enabling travel.”

6. On going through the records, it is seen that the petitioner, in the above numbered case is on bail. Now the case stands posted for evidence. Under these circumstances, in the interest of justice, this court permits the petitioner to go abroad for a period of two years and it is also noted that there is no objection to the obtaining of passport to the petitioner for the said period.

In the result, the petition is allowed and the petitioner/accused no.4 is permitted to obtain passport for a period of two years and he is permanently exempted from personal appearance from the date of this order on following conditions:

- (1) The petitioner/accused no.4 shall be represented at all hearing by his counsel during the period when he is not available.
- (2) The petitioner/accused no.4 shall be present before court as and when directed

by this court.

- (3) The petitioner/Accused no.4 shall not dispute his identity during the trial.
- (4) If there is any failure on the part of the advocate, who is to represent the Petitioner, either to appear before this Court on each adjournment and/or any adjournment is sought on behalf of the Petitioner and/or if this Court finds that the Petitioner and / or his advocate is trying to delay the trial, in that case, it would be open for this Court to exercise powers under S.317(1) to direct the personal attendance of the accused at any subsequent stage of the proceedings.

It is also hereby made clear that this court is having no objection in obtaining passport to the petitioner for two years and for granting permanent exemption from personal appearance of the petitioner/accused no.4. The decision in this regard may be taken by the passport authorities after considering the merits of the application in relation to the same.

(Pronounced by me in open court on this the 8th day of January,2026)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE- II,
NEDUMANGAD

(True copy)

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