

**IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE (ECONOMIC OFFENCES), ERNAKULAM**
Present: Smt. Selmath R.M., Additional Chief Judicial Magistrate (E.O)
Dated this the 5th day of November, 2025

CMP No.4539/2025
in
CC No.614/2019

Petitioner/Accused No.7 : Isubu Zeeyad Ambikana, aged 38 years,
S/o. Baduvan Kunhi, Ambikana House,
Paivalige P.O., Kasaragod – 671322.

(Represented by Adv. K.V. Sabu)

Respondent/Complainant : State of Kerala : Represented by the ATS,
Kerala

(Represented by the Assistant Public
Prosecutor, Smt. Archana K.R.)

This petition having heard on 03.11.2025, the court, on this day passed the following.

ORDER

This petition is filed by the counsel for the petitioner/accused No.7 in the above case with a prayer to direct the Regional Passport Authority, Kozhikode for issuing the passport for a period of two years under the notification of Government of India in the Ministry of External Affairs No.GSR 298E dated 14.04.1976.

2. It is averred that the petitioner is the holder of passport bearing No. N 8488919 issued from Kozhikode Passport Office. That the petitioner is doing business of shopping mall and real estate in Dubai as well as Kasaragod. During the course of his business, he has to travel in and around Dubai and

Kerala. During his transit, the passport of the petitioner was missing. Subsequently, petitioner has filed an affidavit before the Passport Officer, Kozhikode for issuing a duplicate passport.

3. That presently the petitioner is facing two criminal cases in Kerala. One registered as Crime No.2155/2018 of Ernakulam Town South Police Station and it is now pending before this court as CC No.614/2019 and that the petitioner is also the 11th accused in Crime No.577/2018 of Kunnamangalam Police Station and that the crime has now taken on file as SC No.426/2024 pending before the Hon'ble Additional Sessions Court – III, Kozhikode. Even though the petitioner has filed affidavit and petition for issue of duplicate passport on 21.02.2025, the Passport Authorities, Kozhikode has not so far issued the duplicate passport on the reason that criminal cases are pending against the petitioner. The business of the petitioner is at Dubai and Kasaragod. For the last two years, the entire business in Dubai is facing the absence of the petitioner. The presence of the petitioner for regularizing the business in Dubai is also highly essential for which he need passport.

4. Due to the absence of the petitioner, his business faces acute decline and in the interest of justice and humanitarian consideration, he has to get duplicate passport. The presence of the petitioner is highly essential for the development of his declined business in Dubai. That the petitioner is ready and willing to comply any condition imposed by the court. Hence the petition to to direct the Regional Passport Authority, Kozhikode for issuing the passport for a period of two years under the notification of Government of India in the

Ministry of External Affairs No.GSR 298E dated 14.04.1976.

5. Respondent filed report opposing the petition.

6. Heard both sides.

7. Points that arise for consideration are:-

1. Whether the petition is allowable?

2. What orders to be passed?

8. **Point Nos. 1 and 2:-** The petition is filed with a prayer to direct the Regional Passport Authority, Kozhikode for issuing passport to the petitioner for a period of two years. Going by Sec. 6 (2) (f) of Indian Passport Act if a proceeding in respect of an offence alleged to have been committed by the applicant is pending before a criminal court in India, the Passport Authority should refuse to issue a passport or a travel document for visiting any foreign country. As per the notification No. GSR-570 (E) if the Criminal Court before which the case of the applicant is pending permits him to depart from India, the applicant will be exempted from the operation of the provisions of Sec. 6 (2) (f) of the Act. As per the said notification, the Passport Authority can issue Passport on the basis of an order produced by the applicant from the criminal court in which such proceedings are pending.

9. From the aforesaid notification, it is clear that the permission of the court is necessary. This court has got only the power to issue no-objection for issuance of passport. It is for the Passport Authority to decide whether passport has to be issued or not. If other conditions are satisfied, the Passport Authority can issue passport to the petitioner.

10. Considering the petition averments and records, the petition is allowed and the court has no objection in Passport Authority issuing passport to the petitioner for a period of two years if he is otherwise entitled according to law. But the petitioner shall not leave the Country without the prior permission of the court.

Accordingly, petition is allowed.

(Pronounced by me in open Court on this the 5th day of November, 2025)

Sd/-

**Additional Chief Judicial Magistrate (E.O.),
Ernakulam.**