



2025:KER:20438

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 7TH DAY OF MARCH 2025 / 16TH PHALGUNA, 1946

CRL.MC NO. 10567 OF 2024

CRIME NO.14/2021 OF CYBER CRIME POLICE STATION, THRISSUR,

THRISSUR

AGAINST THE ORDER/JUDGMENT DATED IN CRMP NO.108 OF 2024 OF

FAST TRACK SPECIAL COURT II, THRISSUR

PETITIONER/ACCUSED NO.2:

PAULSON
AGED 37 YEARS
S/O. JOHNSON,
CHEMBILA HOUSE,
PRINCE NAGAR,
CHELAKOTTUKARA,
THRISSUR, PIN - 680005

BY ADVS.
P.SANJAY
RAHUL RAJ P.
KIRAN NARAYANAN
MUHAMMED BILAL.V.A
MEERA R. MENON
PAUL VARGHESE (PALLATH)



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RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

SRI. C.N. PRABHAKARAN, SENIOR PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07.03.2025, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:



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O R D E R

Petitioner herein is the 2nd accused in Crime No.14/2021 of the Cyber Rural Police Station, Thrissur. Owing to his non-appearance, the case against the petitioner was split up and the same is now pending as S.C.No.389/2022 before the learned Special Judge, Fast Track Special Court-II, Thrissur. The offences alleged are under Section 509 of the Indian Penal Code; Section 67 of the Information Technology Act, and also, under Section 11(iv) and 12 of the Protection of Children from Sexual Offences Act.

2. The petitioner surrendered his passport in terms of a pre-condition for grant of bail. The petitioner sought the same back, for which, he filed a petition under Section 22(a) of the Passports Act. The same was dismissed vide Annexure-A3 Order, which is under challenge herein.



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3. Heard the learned counsel for the petitioner and learned Senior Public Prosecutor. Perused the records.

4. Learned counsel for the petitioner submits that the petitioner is employed in Gulf and he is in need of going back to the said country to eke his livelihood. In such circumstances, Annexure-A3 Order refusing return of passport is illegal.

5. Learned Public Prosecutor would submit that owing to the non-appearance of the petitioner, the case against him was split up and the trial against the 1st accused has been conducted, though it ended up in acquittal. If the petitioner is going abroad now, the trial cannot be completed, is the submission made.

6. This Court finds merits in the submission made by the learned Senior Public Prosecutor. The trial as against the 1st accused has already been completed and he stands



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acquitted. The petitioner was obviously not available for trial at that time. He subsequently came down to India, sought for bail, and obtained the same, subject to the condition that he shall surrender his passport before the trial court. Now, he seeks the passport back. The obvious purpose is to go back to the Gulf country. If he goes back, the trial in S.C.No.389/2022 cannot be completed.

7. Balancing the equities of both sides, this Court is of the opinion that the trial in S.C.No.389/2022 can be expedited, especially when a co-accused stands acquitted already. In case the petitioner could also secure an acquittal, he would be set at liberty and would be free to go to the Gulf country in the pursuit of his employment. If he is not acquitted, his claim to return to Gulf to pursue his employment cannot be recognised.

8. In the circumstances, there will be a direction to the learned Special Judge, Fast Track Special Court-II,



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Thrissur to try and dispose of S.C.No.389/2022 within a period of six months from the date of receipt of a copy of this Order. Learned counsel for the petitioner will positively co-operate with the conduct of the trial. The Prosecutor conducting the trial will also get ready and co-operate with the trial, so that this Order can be complied with.

This Cr1.M.C. will stand disposed of, as above.

Sd/-

C.JAYACHANDRAN, JUDGE

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APPENDIX OF CRL.MC 10567/2024

PETITIONER ANNEXURES

ANNEXURE A1	TRUE COPY OF THE F.I.R NO.333/2019 DATED 13.07.2019.
ANNEXURE A2	TRUE COPY OF THE ORDER IN C.M.P. NO.108/2024 DATED 29.07.2024.
ANNEXURE A3	TRUE COPY OF THE ORDER IN C.M.P. NO.109/2024 DATED 29.07.2024