

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 13 of 2015 (B)

**ORDER IN CRL.M.P. NO. 2808/2014 IN S.C. NO. 1964/2013 OF SESSIONS COURT,
THIRUVANANTHAPURAM DATED 19-11-2014**

PETITIONER(S)/7TH ACCUSED:

**SHAHEER ASHRAF, AGED 22 YEARS,
S/O. ASHRAF, 310 (2/228), PALLIVILA VEEDU,
NETHAJIPURAM P.O., THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE REGIONAL PASSPORT OFFICE,
SNSM BUILDING, KARALKADA JUNCTION, PETTAH P.O.,
THIRUVANANTHAPURAM.**

BY PUBLIC PROSECUTOR SMT. M.T. SHEEBA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05-10-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** TRUE COPY OF THE LETTER DATED 7/11/2012 ISSUED BY THE
2ND RESPONDENT.
- ANNEXURE A2:** TRUE COPY OF THE CRL.M.P NO.2808/2014 IN S.C NO.1964/2013
FILED BY THE PETITIONER BEFORE THE SESSIONS COURT,
THIRUVANANTHAPURAM.
- ANNEXURE A3:** CERTIFIED COPY OF THE ORDER DATED 19/11/2014 IN CRL.M.P
NO.2808/2014 IN S.C NO.1964/2013 OF SESSIONS COURT,
THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.13 of 2015

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Dated this the 5th day of October, 2015

ORDER

The petitioner herein is the 7th accused in S.C.No.1964 of 2013 of the Court of Session, Thiruvananthapuram involving the offence under Section 377 IPC. He made an application before the trial court as CMP No.2808 of 2014 for permission to apply for a passport to go abroad. The learned Sessions Judge dismissed the application on 19.11.2014. The petitioner seeks orders quashing the said order, and granting him permission to apply for a passport. As required by this Court, the learned trial judge submitted a report dated 22.09.2015 regarding the total pendency there, and the time required for trial and disposal of the case. The report shows that the total pendency in the trial court is 2263 cases, and the oldest cases are that of the year 2004. Definite it is, that the learned trial judge will take much time to dispose of the

case in the above situation. Disposal of the case in the near future cannot be expected, when the pendency in the trial court is really huge. If he undertakes that he will come back within the reasonable period, and submit the passport in Court, the petitioner can be permitted to make an application for passport. In this case, I find that the petitioner can be permitted to go abroad for a period of one year.

In the result, this petition is allowed. The impugned order will stand set aside. The petitioner is allowed to apply for a passport before the second respondent, on condition that, he should come back and surrender the passport before the trial court within a period of 12 months from the date on which he went abroad. It is made clear that, if the passport is required further, necessary application shall be filed before the trial court. Before making application for passport, the petitioner shall file the undertaking in the trial court, and the learned trial judge will certify the fact.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE