

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Crl.MC.No. 859 of 2015 ()

AGAINST THE ORDER IN CMP 171/2015 of ADDL.C.J.M.,THALASSERY
CRIME NO. 1096/2014 OF KATHIRUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.1:

SHINITH K.M., AGED 22 YEARS
S/O.RAVEENDRAN, PUSPPALAYAM KADIRUR AMSOM
THALLASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.P.NARAYANAN

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
THROUGH STATION HOUSE OFFICER
KADIRUR POLICE STATION, REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 859 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: COPY OF THE AFFIDAVIT SWORN TO BY THE PETITIONER FILED
BEFORE THE LEARNED MAGISTRATE ALONG WITH THE APPLICATION FOR
PERMISSION TO GO ABROAD

ANNEXURE 2: COPY OF THE ORDER DATED 19/1/2015 IN C.M.P 171/2015 ON
THE FILE OF ADDL. CHIEF JUDICIAL MAGISTRATE, THALASSERRY IN CRIME
NO.1096/2014 OF KADIRUR POLICE STATION.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.859 of 2015**  
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Dated this the 20th February, 2015

ORDER

The petitioner herein is the 1st accused in Crime No.1096 of 2014 of Kadirur Police Station of Kannur District. The offences involved in the crime are under Sections 452 and 427 of Indian Penal Code and also under Section 117 (e) of the Kerala Police Act. Pending investigation, he made an application before the learned Additional Chief Judicial Magistrate, Thalassery to permit him to apply for a passport. His case is that he has good prospects for a job abroad, and if permission is denied, it will cause much hardship to him. The learned Magistrate dismissed the application filed by him as C.M.P. No.171 of 2015 on 19.1.2015. The said order is under challenge here, and it is sought to be set aside.

2. On hearing both sides, I find that the crime does not involve any serious offence, and that the petitioner can be permitted to go abroad for a reasonable period of one year because there is no possibility of the case being

taken up for trial in the very near future.

2. The learned Public Prosecutor submits that investigation is almost over, and that the Police can submit final report, without any day.

In the result, this petition is allowed. The impugned order will stand set aside. Accordingly, the petitioner is permitted to apply for a passport to go abroad. He is given permission on condition that he will have to come back on expiry of one year, to face trial.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge