

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Crl.MC.No. 1458 of 2015

AGAINST THE ORDER IN C.M.P NO.8991/2014 OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, NADAPURAM

PETITIONER/7TH ACCUSED:

LIBIN VALIYA MYILADI, AGED 23 YEARS,
S/O.V.M.BHASKARAN, VALIYA MAYILADI HOUSE,
IRRINGANNUR POST, THUNKERI, VATAKARA TALUK,
KOZHIKODE DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS/STATE & COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
 2. THE PASSPORT OFFICER,
PASSPORT OFFICE, ERANJIPALAM,
KOZHIKODE.

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1458 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1. COPY OF THE ORDER DATED 22.01.2014 IN
CRL.M.C.NO.773/2014 OF THIS HON'BLE COURT.

ANNEXURE A2. COPY OF ORDER DATED 24.01.2014 IN CMP NO.554/2014 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM.

ANNEXURE A2. COPY OF THE ORDER DATED 02.02.2015 IN CMP
NO.8991/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1458 of 2015

Dated this the 24th day of March, 2015

O R D E R

The petitioner herein is the 7th accused in Crime No.184/2009 of the Nadapuram Police Station. During investigation he made an application before the learned Judicial First Class Magistrate Court, Nadapuram to release his passport for renewal, for the purpose of going abroad. The learned Magistrate dismissed the application on 2.2.2015. Nothing is seen mentioned about the final report, or the committal proceeding, in the petitioner's application or the order of the learned Magistrate. Now there is a police report that the police has already submitted final report in the crime on 25.12.2014, and the learned Magistrate has taken cognizance as C.P No.34/2015. These details are not there in the materials furnished by the petitioner. Anyway, the committal proceedings are now pending before the learned Magistrate. The question of releasing the passport, or permitting the petitioner to go abroad, will have to be considered by the trial court. The trial court will

have to examine the case records, circumstances of the crime, gravity of the crime, the period which would normally be taken for conclusion of trial etc. and take appropriate decision on the request made by the petitioner. It will suffice that the committal court is directed to expedite steps and commit the case to the Court of Session at the earliest. Thereafter the petitioner can approach the trial court and make necessary application.

In the result, this Criminal Miscellaneous Case is closed, with direction to the court below to expedite the committal proceeding, and commit the case to the Court of Session at the earliest, and also giving an opportunity to the petitioner to make application before the trial court, after the case is committed.

**P.UBAID
JUDGE**

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