

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Cr1.MC.No. 1594 of 2015

IN CC 979/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
CHALAKUDY
CRIME NO. 487/2010 OF MALA POLICE STATION, THRISSUR

PETITIONER:

JOY ELINJIKKAL DOMINI, AGED 60 YEARS,
S/O.DOMINIC, RESIDING AT MENACHERY (H) ,
VELLOOR P.O.
ANNAMANADA, THRISSUR,
PIN - 680 741.

BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 018.
2. SUB INSPECTOR OF POLICE,
MALA POLICE STATION, MALA, THRISSUR DISTRICT
PIN - 680 732.
3. REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
PANAMPALLY NAGAR P.O.
COCHIN, PIN - 682 036.

R1 & R2 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1594 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE DISCHARGE SUMMARY ISSUED BY LISITE HOSPITAL, ERNAKULAM.

ANNEXURE A2: COPY OF THE REFERENCE LETTER ALONG WITH THE DOPPLER STUDY REPORT ISSUED BY DR JUBIL P.MATHEW.

ANNEXURE A3: COPY OF LETTER DATED 22/09/2014 ISSUED BY THE REGIONAL PASSPORT OFFICE, ERNAKULAM.

ANNEXURE A4: COPY OF THE FIR NO. 487/2010 OF MALA POLICE STATION.
(RELEVANT PAGES)

ANNEXURE A5: COPY OF THE CHARGE SHEET FILED AS CC NO. 979/2010 BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKKUDY.

ANNEXURE A6: COPY OF FIR NO. 488/2010 OF MALA POLICE STATION.

ANNEXURE A7: COPY OF THE FIR IN CRIME NO. 1355/2013 OF MALA POLICE STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1594 of 2015

Dated this the 12th day of March, 2015

O R D E R

The petitioner herein has been facing two prosecutions. Now he wants to go abroad. He seeks permission to apply for a passport. The cases against him are now pending before the Judicial First Class Magistrate Court, Chalakkudy. Without making application before the learned Magistrate, the petitioner rushed to this Court under Section 482 of the Code of Criminal Procedure. It is for the learned Magistrate to decide whether permission could be granted in the particular circumstances. In the decision making process, the learned Magistrate will have to consider the nature and seriousness of the allegations against the petitioner. If very serious offences are not involved and if the petitioner's request is genuine, the request will normally be allowed by the trial court, if there is no possibility of the case coming up for trial in the near future. Anyway, this Court cannot entertain this application. Without prejudice to the petitioner's right to approach the trial court itself, this Criminal Miscellaneous Case can be closed.

Accordingly, this Criminal Miscellaneous Case is

closed without prejudice to the right of the petitioner to approach the trial court for necessary permission to apply for a passport.

**P.UBAID
JUDGE**

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