

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 1683 of 2015 ()

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CC 472/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA
CRIME NO. 37/2013 OF ALUVA EAST POLICE STATION , ERNAKULAM DISTRICT
=====**

PETITIONER/PETITIONER/ACCUSED NO. 2:

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HYNUS IBRAHIM, AGED 38 YEARS
S/O.IBRAHIM, MENAMTHURUTHIL HOUSE, EDATHALA P.O.
PUKKATTUPADY, PIN - 683 561, ERNAKULAM DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/RESPONDENT/COMPLAINANT:

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STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A COPY OF THE ORDER DATED 17.07.2014 IN M.P. NO.1437/2014
IN C.C.No.472/2013 PASSED BY THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, ALUVA**

**ANNEXURE-B PHOTOCOPY OF RELEVANT PAGES OF THE NOTIFICATION IN
THE KERALA GAZETTE DATED 11.11.2014**

**ANNEXURE-C PHOTOCOPY OF THE PETITION, CrI.M.P.NO.116/2015 IN
CrI.M.P.No.1437/2014 IN C.C.No.472/2013 FILED BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA DATED
14.01.2015**

**ANNEXURE-D CERTIFIED COPY OF THE ORDER DATED 20.02.2015 IN
M.P.No.116/2015 IN M.P.No.1437/2014 IN C.C.No.472/2013
PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT-
I, ALUVA**

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1683 of 2015

Dated this the 31st day of March, 2015

O R D E R

The petitioner herein is the 2nd accused in C.C.No.472/2013 of the Judicial First Class Magistrate Court-I, Aluva. His name in the court proceedings is Hynus M. Ibrahim. In November, 2011, he changed his name as Anas Kathan Ibrahim by way of a gazatte notification dated 11.11.2014. When the petitioner made an application before the passport authority for correcting his name, accordingly, in the passport, the passport authority declined the request saying that his name in the court order is Hynus M. Ibrahim. Then he approached the trial court with another application to correct his name in the earlier proceeding as Anas Kathan Ibrahim. The learned Magistrate disallowed the request. The said order is under challenge here.

2. On hearing both sides, I find that the petitioner's name in the earlier proceeding cannot be corrected in accordance with the later gazatte notification. When the petitioner made application as CMP No.1437/2014 before the court below, and also when the

court passed orders on 17.07.2014, his name was Hynus M. Ibrahim. The name was changed only in November, 2014. In accordance with such change, the name of the petitioner in the earlier proceeding cannot be changed by the court. Any way, once the name stands changed, the passport authority will have to accept it. If there is a proper and legal change in the name by gazatte notification, or otherwise, it will have to be accepted and honoured by the passport authority. This Court or the trial court cannot pass orders as desired by the passport authority. If the petitioner's name stands properly and legally changed, the passport authority can very well accept the notification and make necessary change in passport. The petitioner's request for correction in the passport will have to be considered by the passport authority.

With these observations, this Crl.M.C. is disposed of.

Sd/-

P. UBAID, JUDGE

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