

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 1727 of 2015 ()

CRIME NO. 107/2011 OF KUMBLA POLICE STATION , KASARGOD

PETITIONER(S):

ABDUL RAHIMAN @ RAHIM AGED 31 YEARS
S/O MOHAMMED, MUTHALODI HOUSE, HEROR
CHINNAMUGAR, MANGALPADI, MANJESWARAM.

BY ADVS.SRI.R.SREEHARI
SRI. SACHIN VYAS

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031
THROUGH THE SUB INSPECTOR OF POLICE
KUMBLA POLICE STATION, KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1727 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: PHOTO COPY OF FIR IN CRIME NO.107 OF 2011 OF KUMBLA
POLICE STATION.

ANNEXURE A2: PHOTO COPY OF CMP 134/2014 IN CP 502/2011 OF JFMC-I,
KASARAGOD.

ANNEXURE A3: CERTIFIED COPY OF THE ORDER IN CMP 134/2014 IN CP
502/2011 DATED 24.2.2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I,
KASARAGOD.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1727 of 2015**  
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Dated this the 18th March, 2015

ORDER

The petitioner herein is the 4th accused in Crime No.107 of 2011 of Kumbbla Police Station of Kasaragod District. He was granted bail in the crime on certain conditions. In compliance of the conditions, he surrendered his passport before the Judicial First Class Magistrate's Court-I, Kasaragod. Pending the committal proceedings, he made an application as C.M.P. No.134 of 2015 for getting his passport. His grievance is that his VISA will expire in the first week of April, 2015. If he could not go abroad to join his employment, he will lose that employment. The learned Magistrate disallowed the request on the ground that the case already stands committed to the Court of Session. Of course, the trial court will have to consider the request, and appropriate orders will have to be passed. When such an application comes, the trial court will examine the case records, see the nature and seriousness of the offence alleged, consider the length of time required for trial, and

if there is no possibility of the trial being concluded within a reasonable period, the passport can be released to the accused on conditions. Here such a course is not possible now because it is yet to know whether the Court of Session has taken cognizance on committal, and to which court the case stands made over for trial. The petitioner's VISA will expire in the first week of April, 2015. If he waits to get summons from the trial court, he will lose his employment. In the special circumstances, I am inclined to allow the request and permit the petitioner to go abroad on condition that he will have to come back within one year to face the trial process. If further permission is required, he will have to approach the trial court with necessary application. This petition is allowed as follows:

(a) The petitioner's passport will be released to him from the Court of Session, Kasaragod on his making a security deposit of ₹ 20,000/- (Rupees Twenty thousand only) which will be liable to forfeiture in case of consistent absence without excuse during trial.

(b) If the case records are not now before the Court of Session, the learned Sessions Judge will immediately call for the records and release passport to the petitioner

(c) The petitioner's request is allowed on condition that he will have to come back within one year to face trial, and if further permission to go abroad is required, he will have to approach the trial court with necessary application.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge