

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Crl.MC.No. 1931 of 2015 ()

CRIME NO. 251/2015 OF VALIYATHURA POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S):

**JAYACHANDRAN
S/O SUKUMARAN
NOW RESIDING AT : "SREEKRISHNALAYAM"
KAZHUVOOR P.O, KAZHUVOOR DESOM
KANJIRAMKULAM, NEYYATINKARA TALUK
THIRUVANANTHAPURAM**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S):

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM – 682 031
(CRIME NO.251/2015 OF VALIYATHURA POLICE STATION,
THIRUVANANTHAPURAM**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1931 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES:

- I. COPY OF THE COMMUNICATION DATED 14.11.2012 OF EMBASSY OF INDIA
- II. COMMON ORDER DATED 17.3.2015 PASSED BY THE JUDICIAL MAGISTRATE OF FIRST CLASS-XI, THIRUVANANTHAPURAM

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1931 of 2015

Dated this the 25th day of March, 2015.

O R D E R

The petitioner herein has been facing prosecution under the Passport Act on the allegation that he corrected his date of birth in his passport. The said passport was seized by the police and it is now in court. He made an application before the Judicial First Class Magistrate Court-XI, Thiruvananthapuram for interim custody of the passport, under Section 451 Cr.P.C. His purpose is to go abroad to join his employment there. The learned Magistrate disallowed the request on the ground that the tampered passport which is the subject matter of prosecution cannot be returned. The said order dated 17.3.2015 is under challenge. On hearing both sides I find that the petitioner will have to make a proper application before the learned Magistrate for permission to apply for a new temporary passport, as provided under the Rules framed under the Passport Act, and the notifications issued by the Government of India. The position is cleared in **Ashok kumar Vs. State of Kerala [2009(2) KLT 71]**. If an

application is filed, it will definitely be considered by the learned Magistrate, and if there is no possibility of the case being taken up for trial in the near future, the petitioner can be allowed to go abroad for a reasonable period, on appropriate reasonable conditions.

With these observations, this Crl.M.C is closed.

Sd/-

P.UBAID,
JUDGE

sab