

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 2022 of 2015 ()

**CMP 1139/2015 IN O.R. 10/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT -I,
KANNUR**

PETITIONERS/ACCUSED :

**SYED MUHAMMED RASHEED, AGED 44 YEARS,
S/O.POOKOYA THANGAL, DARUSAFI (HOUSE), KAKKAD P.O.,
KANNUR DISTRICT.**

**BY ADVS.SRI.G.S.KRISHNAN KARTHA
SRI.LIJIN THAMBAN
SRI.M.RETHEESHKUMAR**

RESPONDENT/COMPLAINANT & STATE :

**FOREST RANGE OFFICER, TALIPARAMBA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM KOCHI 682 031.**

BY SENIOR PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 2022 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: COPY OF ORDER IN BAIL APPLICATION NO.7945/2011.

ANNEXURE 2: COPY OF ORDER IN CMP 1139/15 DATED 7.3.15

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.2022 of 2015

Dated this the 27th day of March, 2015

O R D E R

The petitioner herein is the accused in a forest crime registered as O.R.No.10/2011 of the Thaliparamba Forest Range. He was granted bail on certain conditions by this Court, as per order in Bail Application No.7945/2010. In compliance with the conditions, he produced his passport in the trial court. What he produced is a passport that expired years back on 13.10.2000. It was produced in court in 2011. Instead of filing an affidavit that he does not have a current passport, he produced a passport which expired 10 years back. It is not known whether the learned Magistrate had examined it when produced. Any way, now he wants it back for the purpose of applying for renewing the passport. He made such a request to the learned Magistrate as CMP No.1139/2015. The learned Magistrate disallowed the request saying that it was produced as directed by the High Court, and so he cannot release it. The said order dated 07.03.2015 is under challenge.

2. On hearing both sides, and on a perusal of the impugned order, I find that there is no use of retaining the passport in the

files of the court below, because it is an expired passport. It will have to be released to the petitioner for obtaining a renewed passport. As and when the renewed passport is obtained, the petitioner will have to produce it before the court, as directed by this Court in Bail Application No.7945/2010 on 03.10.2011. If he requires the renewed passport later, he can make application before the learned Magistrate.

In the result, this petition is allowed. The impugned order is set aside, and the court below is directed to return the passport to the petitioner, on condition that the renewed passport shall be produced in court in compliance with the directions given by this Court. If the passport is required later for any purpose, he can make application before the learned Magistrate.

Sd/-
P. UBAID, JUDGE

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