

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Cri.MC.No. 6863 of 2015 ()

CRIME NO. 1030/2007 OF TIRUR POLICE STATION , MALAPPURAM

PETITIONER(S)/10TH ACCUSED:

**PALLATH NAZAR AGED 38 YEARS
S/O.HAMEED, PALLATH HOUSE, VETOM
TIRUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/STATE:

**THE STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
TIRUR POLICE STATION, TIRUR, MALAPPURAM DISTRICT
PIN 676101.**

R BY PUBLIC PROSECUTOR SMT.MADHUBAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

avk

Crl.MC.No. 6863 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: TRUE COPY OF ORDER DATED 22/5/2015 IN
CRL.M.P.NO.717/2015 IN S.C.NO.501/2009 ON THE FILE OF THE
SESSIONS JUDGE, MAJERI.**

**ANNEXURE-A2: CERTIFIED COPY OF ORDER DATED 7/10/2015 IN
CRL.M.P.NO.1345/2015 IN S.C.NO.324 OF 2010 ON THE FILE OF
THE ADDITIONAL SESSIONS COURT-1, MANJERI.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

P.UBAID, J.

Crl.M.C.No.6863 of 2015

Dated this the 4th day of December, 2015

ORDER

The petitioner herein is the accused No.10 in S.C.No. 324/2010 of the Court of Session, Manjeri. He is aggrieved by the order of learned First Additional Sessions Judge, Manjeri rejecting his request in C.M.P.No.1345 of 2015 to release his passport to go abroad. On hearing both sides, and on a perusal of the report received from the trial court, I feel that the petitioner can be permitted to go abroad for a short period of 6 months. It is submitted that he is employed there, and if he does not join his employment within a short period, he will lose his employment there, and he will also lose his visa. The year-wise pendency of cases furnished by the trial court shows that the total pendency of sessions cases there, is of 838 cases, but the pendency up to 2010 is only 10 cases. There is the possibility of case coming up for trial in the near future. So the petitioner will have to come back within 6 months. The State cannot have any objection to such a course.

Accordingly, the petitioner can be permitted to go abroad for a period of six months to join his employment and come back within six months.

2. In the result the petition is allowed. The Annexure A2 order (impugned order) will stand set aside. The court below is directed to release the petitioner's passport. The petitioner is directed to come back and surrender the passport before the trial court within six months from the date on which it is released. In case of failure, it will have consequences including cancellation of the bail.

**Sd/-
P.UBAID
JUDGE**

//TRUE COPY//

PA TO JUDGE

avk

