

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA,
1937

Cr1.MC.No. 7253 of 2015

AGAINST THE ORDER DATED 17.10.2015 IN C.M.P NO.2914/2015
IN C.C NO.365/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, I, ATTINGAL

PETITIONER:

SHINOJ SHANKER, AGED 23 YEARS,
S/O.JAYASHANKAR, ABHAYAM VEEDU,
KOCHALUMMOODU
MUDAPURAM DESOM, KIZHUVILAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.
2. THE REGIONAL PASSPORT OFFICER
PASSPORT OFFICE, SNSM BUILDING,
KARALKADA JUNCTION,
PETTAH PO, THIRUVANANTHAPURAM -695 024.

R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR
GENERAL

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 17-11-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7253 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNX.A1 - COPY OF THE ORDER DATED 23.6.2015 IN CMP NO.164/2015 IN CC NO.103/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT II ATTINGAL.

ANNX.A2 - COPY OF THE APPLICATION DATED 3.7.2015 IN CMP NO.2914/2015 IN CC NO.365/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I ATTINGAL.

ANNX.A3 - COPY OF COUNTER FILED BY THE 2ND RESPONDENT IN CMP NO.2914/2015 IN CC NO.365/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I ATTINGAL.

ANNX.A4 - COPY OF THE ORDER DATED 29.9.2015 IN CRL.MC.NO.6385/2015 OF THIS HON'BLE COURT.

ANNX.A5 - CERTIFIED COPY OF THE ORDER DATED 17.10.2015 IN CMP NO.2914/2015 IN CC NO.365/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I ATTINGAL.

ANNX.A6 - COPY OF NOTIFICATION DATED 25.8.1993 OF GOVERNMENT OF INDIA, MINISTRY OF EXTERNAL AFFAIRS.

ANNX.A7 - COPY OF THE ORDER DATED 5.10.2015 IN CRL.MC NO.13/2015 OF THIS HON'BLE COURT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY/

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7253 of 2015

Dated this the 17th day of November, 2015

O R D E R

The petitioner herein is the accused in C.C. No.365/2014 of the Judicial First Class Magistrate Court I, Attingal. His application before the learned Magistrate for permission to apply for a passport was rejected by order dated 17.10.2015 in C.M.P No.2914/2015. The aggrieved accused seeks orders under Section 482 of the Code of Criminal Procedure quashing the impugned order, and he seeks permission from this Court to apply for a passport. In another case before the learned Judicial First Class Magistrate II, Attingal the petitioner has already obtained favourable orders permitting him to apply for a passport, and permitting him to go abroad for a period of one year. This application is not seriously opposed by the State. There is reason to believe that the case may not come up for trial in the near future. The petitioner wants to go abroad in search of some job. His prospects for job cannot be denied or obstructed simply on the ground that there is some criminal prosecution. The case does not involve any

serious offence. It is appropriate that the petitioner is allowed to go abroad for a period of 18 months. In the result, this petition is allowed as follows:

a) The petitioner herein is permitted to apply for a passport before the second respondent, and he is permitted to go abroad for a period of 18 months.

b) The petitioner shall surrender his passport before the learned Magistrate before expiry of the period of 18 months from the date on which he went abroad.

c) If further permission is required, he can make application before the learned Magistrate, and on such application appropriate orders shall be passed by the learned Magistrate.

**P.UBAID
JUDGE**

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