

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Crl.MC.No. 7674 of 2015 (E)

**AGAINST THE JUDGMENT IN OP(Crl.) 168/2014 OF HIGH COURT OF KERALA DATED
17.09.2014**

**CRIME NO. 289/2012 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM**

C.C.NO.1208 OF 2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL

PETITIONER/ACCUSED :-

**SURESH KUMAR, AGED 45 YEARS,
S/O. BHASI, KOZHIYOTTUMADOM,
CHIRAYINKEEZHU,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS/RESPONDENTS :-

**1. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, SNSM BUILDING,
KARALKADA JUNCTION, PETTAH P.O.,
THIRUVANANTHAPURAM - 695 024.**

**2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 695 001.**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7674 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE A1 - TRUE COPY OF THE ORDER DATED 20-08-2014 ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT -I, ATTINGAL IN CMP NO. 3791/2014 IN C.C.NO. 389/2009.

ANNEXURE A2 - TRUE COPY OF THE ORDER ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL IN CMP NO. 3709/2015 IN C.C.NO. 389/2009 DATED 10-9-2015.

ANNEXURE A3 - TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, ATTINGAL AS CMP 4303/2015.

ANNEXURE A4 - CERTIFIED COPIES OF THE DEPOSITIONS OF PWS 1 TO 3.

ANNEXURE A5 - TRUE COPY OF THE ORDER DATED 26-11-2015 IN CRL.M.C.NO. 7136/2015 OF THIS HON'BLE COURT.

ANNEXURE A6 - TRUE COPY OF THE ORDER DATED 27-11-2015 IN CMP NO. 4303/2015 IN C.C.NO. 1208/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I, ATTINGAL.

ANNEXURE A7 - TRUE COPY OF THE JUDGMENT DATED 17-9-2014 IN O.P.(CRL.) OF THIS HON'BLE COURT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7674 of 2015
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Dated this the 14th day of December, 2015

ORDER

The petitioner herein is the first accused in C.C.No.1208 of 2012 of the Judicial First Class Magistrate Court-I, Attingal. Pending the proceedings he made an application before the learned Magistrate as CMP No.4303 of 2015 for permission to renew his passport. The request was disallowed by the learned Magistrate on 27.11.2015. The petitioner is aggrieved by the said order, and it is sought to be quashed. The Annexure -A1 order shows that from the very same court the petitioner had earlier obtained order in C.C.No.389 of 2009, permitting him to go abroad on certain conditions. It is not known whether this Annexure-A1 order was brought to the notice of the successor Magistrate who disallowed the request in CMP No.4303 of 2015. It is submitted that the petitioner has been working abroad for more than twenty years, and that if he is not allowed to join his

employment there, he will lose it forever. Having already obtained an order in his favour in another case, the petitioner approached the learned Magistrate for the required permission in another case. It is not known why the second application was disallowed by the learned Magistrate, when the petitioner has already been granted permission to go abroad in another case. In the present circumstances, where the Court has already granted permission to the petitioner to go abroad, or to apply for a passport, there is no meaning in denying permission to renew his passport.

In the result, this petition is allowed. The impugned order in CMP No.4303 of 2015 will stand set aside, and the learned Magistrate is directed to revive CMP No.4303 of 2015, allow the prayer, and impose the required necessary conditions as done in C.C.No.389 of 2009.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE