

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

OP(Crl.).No. 57 of 2015 (Q)

IN SC 357/2013 of ADDL. COURT, KOLLAM

PETITIONER(S):

- 1. SAMEER AGED 22 YEARS
S/O. SAMAD, KUNNATH VEEDU, PARAVOOR POZHICKARA PO
KOLLAM**
- 2. VALEED M,
S/O. MUHAMMED ISMAYIL, VALEEDA MANZIL
PARAVOOR POZHICKARA PO, KOLLAM**

**BY ADVS.SRI.R.ABDUL AHAD
SRI.JAMSHAD K**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SHO PARAVOOR POLICE STATION
KOLLAM DISTRICT**
- 2. REGIONAL PASSPORT OFFICER,
THIRUVANANTHAPURAM SNSM BUILDING, KARALKADA JUNCTION
PETTAH PO, THIRUVANANTHAPURAM 695 024**

R BY GOVERNMENT PLEADER SMT. P. MAYA

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(Crl.).No. 57 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE FIR IN CRIME NO.270/2011 OF PARAVOOR POLICE STATION DATED 5.3.2011

EXHIBIT P2: TRUE COPY OF THE PASSPORT NO.M. 2435875 ISSUED TO THE 1ST PETITIONER

EXHIBIT P3:TRUE COPY OF THE PASSPORT NO.M 2435873 ISSUED TO THE 2ND PETITIONER

EXHIBIT P4: TRUE COPY OF THE NOTICE ISSUED TO THE 1ST PETITIONER DATED 10.11.2014

EXHIBIT P5: TRUE COPY OF THE NOTICE ISSUED TO THE 2ND PETITIONER DATED 10.11.2014

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

O.P(Crl.) No. 57 of 2015

Dated this the 26th day of February, 2015.

J U D G M E N T

The petitioners herein are the accused in S.C No.357 of 2013 before the learned Additional Assistant Sessions Judge, Kollam. Pending the proceedings, they received letter from the passport office requiring them to show cause why their passport should not be impounded in view of the prosecution pending against them, involving serious offences. The petitioners believe that they will get favourable orders on trial. The prayer essentially sought by them in this proceeding is a direction to the court below to try and dispose of the case expeditiously, or within a time frame fixed by the court. They also seek orders quashing the Exts. P4 and P5 communications received from the passport office. Of course, those communications cannot be quashed by this court under Article 227 of the Constitution of India. The passport authority will not come within the purview of the supervisory powers of this court under Article 227 of the Constitution of India. However in view of the special situation where the petitioners are placed, there can be a direction to the court below to expedite trial of the case. If trial is delayed the petitioners may even lose their passport.

In the result, this Original Petition is allowed in part. The prayer to set aside the Exts. P4 and P5 communications is disallowed. However, the court below is directed that trial in S.C No.357 of 2013 shall be expedited in view of the genuine grievance of the petitioners as regards the communications received from the passport office, and earnest efforts shall be made to dispose of the case within the shortest possible time.

P.UBAID,
JUDGE

sab