

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 1964 of 2015 (U)

PETITIONER(S):

**ZAIBUNNISSA T.,AGED 63 YEARS,
W/O SAYED, PARAMBIL PEEDIKAKKAL PADINHATTUMURI P.O.,
KOOTTILANGADI VIA, MALAPPURAM, PIN-676506**

**BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ**

RESPONDENT(S):

- 1. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, INTERCITY ARCADE,
DOWNHILL POST, MALAPPURAM, KERALA-676519**
- 2. PASSPORT SEVA KENDRA,
MEEMPAT SQUARE, JUBILEE ROAD MOONAMPADI, MALAPPURAM,
PIN-676505-879846, REPRESENTED BY ITS MANAGER.**
- 3. CENTAL BUREAU OF INVESTIGATION,
KOCHI BRANCH, KOCHI, PIN-682018
REPRESENTED BY ITS SUPERINTENDENT OF POLICE.**

**R1& R 2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD/

WP(C).No. 1964 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE ORDER ISSUED BY THE SPECIAL JUDGE (SPE/CBI)-
II DATED 20.10.2013 IN CRL.MP.NO.1224 OF 2013 IN C.C. NO.7 OF 2007**

**EXHIBIT P2: TRUE COPY OF THE RELEVANT PAGE OF THE SAID PASSPORT BEARING
NO.L9377118 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**

**EXHIBIT P3: TRUE COPY OF THE ACKNOWLEDGEMENT LETTER DATED 15.01.2015
ISSUED BY THE PASSPORT SEVA KENDRA, MALAPPURAM.**

RESPONDENT(S)' ANNEXURE

**ANNEXURE A: TRUE COPY OF NOTIFICATION NO: GSR 570 E) DATED 25.08.1993
ISSUED BY THE MINISTRY OF EXTERNAL AFFAIRS.**

//TRUE COPY //

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.1964 OF 2015
.....

Dated this the 9th March, 2015

J U D G M E N T

Restriction imposed by the first respondent/Regional Passport Officer in Ext.P2 Passport issued to the petitioner to be valid only for a period of one year made the petitioner to approach this Court by filing this writ petition. The case of the petitioner is that by virtue of the stipulation as above, the petitioner is not in a position to go abroad to perform 'Umra', since the passport does not have the requisite extent of validity.

2. Admittedly, the petitioner is an accused in C.C.7 of 2007 on the file of SPE/CBI-II Court, Ernakulam, involving the offence under Section 13(1)(d) and 13(2) of the Prevention of Corruption Act. The petitioner with intent to obtain a Passport, submitted application before the Trial Court, where Ext.P1 order was passed in the following terms:

"4. Heard both sides. I do not find any merits in the objection raised by the prosecution. I do not find any sufficient ground to reject the prayer of the

petitioner . Therefore, the petition can be allowed.

In the result, petition is allowed. Intimate the concerned authority on production of stamped cover , that this Court has no objection in issuing passport to the petitioner. At the same time it is made clear that if the petitioner wants to go abroad, she has to obtain prior sanction from this Court. Petition is disposed of accordingly."

3. It was pursuant to the said order that the application preferred by the petitioner for issuance of Passport was considered and Ext.P2 passport was issued restricting the validity for a period of one year from 20.05.2014 to 19.05.2015. The course of action proposed to be pursued by the respondents is sought to be explained and justified with reference to the contents of the statement filed. Paragraphs 4, 5 and 6 are extracted for convenience of reference:

*"4 . Clause a(ii) of Notification
No.GSR 570 (E) dated 25.08.1993
issued by the Ministry of External*

Affairs reads as follows:

"if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year."

A true copy of the above said Notification is produced herewith marked as Annexure A.

5. *Clause (b) of Annexure A1 reads as follows:*

" any passport issued in terms of a(ii) and a(iii) above can be further renewed for one year at a time provided the applicant has not travelled abroad for the period sanctioned by the Court; and provided further that , in the meantime, the order of the Court is not cancelled or modified."

6. *In this particular case no letter from the Court was furnished by the petitioner to the effect that the Court order is not cancelled or modified . Hence the petitioner was advised to furnish letter from the Court stating*

the status of the Court order for further renewal of the passport. ".,

4. Heard the learned Counsel for the petitioner, the learned Assistant Solicitor General and the learned Standing Counsel for the third respondent/CBI.

5. The learned Asst. Solicitor General points out that Ext.P1 order was passed only for enabling the petitioner to apply for Passport, making it clear that if she wants to go abroad, she has to obtain prior sanction from the court ; and that in the said circumstance, the maximum period of validity could have been given is only year.

6. The learned Standing Counsel for the third respondent/CBI also points out that the version of the petitioner that she is entitled for a passport with validity for a period of five year is not liable to be entertained, as her presence is very much necessary before the trial Court and appropriate orders are to be obtained from the trial Court in this regard..

7. After hearing both the sides, the petitioner is set at

liberty to move the trial Court for extension of period of validity to the requisite extent and for permission to go abroad, if so desired. Subject to the orders of the trial Court, appropriate steps shall be taken by the first respondent /Regional Passport Officer so as to re-issue the passport , in terms as aforesaid.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent/Regional Passport Officer for further steps

P.R.RAMACHANDRA MENON
JUDGE

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