

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 2403 of 2015 (A)

PETITIONER :

**JAISAL T.K.,
S/O.ISMAIL, 34 YEARS OF AGE
THEEKUNNUMMEL HOUSE, PARAKADAVU P.O.
CALICUT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S) :

- 1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REPRESENTED BY ITS SECRETARY,
NEW DELHI-110001**
- 2. REGIONAL PASSPORT OFFICER
CALICUT-673 001**
- 3. SUB INSPECTOR OF POLICE
MATHILAKAM POLICE STATION,
THRISSUR DISTRICT-680 685**
- 4. SUB INSPECTOR OF POLICE
KOLAVALLUR POLICE STATION,
KANNUR DISTRICT-670 012.**

**R1 & R2 BY ADV. SRI.N.NAGARESH, ASGI
R3 & R4 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 2403 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT P1: TRUE COPY OF THE FIR IN CRIME NO.1996/2013 OF MATHILAKAM
 POLICE STATION.**
- EXT P2: TRUE COPY OF THE FIR IN CRIME NO.569/2013 DATED 03.08.2013 OF
 KOLAVALLUR POLICE STATION.**
- EXT P2(a) TRUE COPY FO THE JUDGMENT IN WRIT PETITION © 5567/2014 DATED
 24.06.2014.**
- EXT P3: TRUE COPY OF THE APPLICATION FOR REISSUANCE OF PASSPORT
 BEFORE THE 2ND RESPONDENT DATED 07.01.2015.**
- EXT P4: TRUE COPY OF THE RELEVANT PAGE OF THE OLD PASSPORT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 2403 of 2015

Dated this the 11th day of February, 2015

J U D G M E N T

The request made by the petitioner for reissuance of the Passport bearing No.H5101836 by the 2nd respondent, made the petitioner to approach this Court by filing the present writ petition.

2. The petitioner is the holder of the Indian Passport bearing No.H5101836 which was issued on 15.05.2009, having validity till 14.05.2019. According to the petitioner, he was kidnapped by some local miscreants in connection with some financial transaction and was tortured in their custody, quite brutally, for nearly one week and some documents were got signed from him including blank papers. Making use of the said papers, some false cases have been caused to be registered against the petitioner as evident from Exts.P1 and P2 before the Mathilakam Police Station & Kolavallur Police Station. Because of the atrocities committed by the parties concerned, the petitioner was constrained to move this Court by filing WP(C) No. 5567/2014, which was disposed of, as per Ext.P2(a) judgment dated 24.6.2014, recording the submission made from the part of

the State, that they had already constituted a Special Investigation Team and that investigation is going on.

3. The learned counsel for the petitioner submits that, the offences involved in the said crimes are mainly under Section 406 & 420 IPC and that the petitioner has made arrangements to deal with the matter before the concerned Magistrate's Court. The grievance of the petitioner is mainly with regard to the refusal to have re-issuance of the Passport, since the Passport is a valid one and the same was stolen by the above miscreants along with the 'Driving licence' and such other records, which forms the subject matter of Crime No.4557/2013 of the Kuthuparamba Police Station. The request made by the petitioner is only for re-issuance of the Passport, the original having been lost and not traceable as on date.

4. A statement has been filed on behalf of respondents 1 and 2, paragraph 6 of which reads as follows:

“Regarding the averments in Ground B, Ext.P3 is only an online registration of passport application. He has not submitted the same to the second respondent. Whenever he approaches the second respondent for submission of his online application, he should disclose the details of criminal court case pending against him and the application shall be accepted only if he

produces the permission of the concerned court to obtain passport during the pendency of criminal court case. Passport shall be issued for a short validity of one year or the period stipulated in the court order, by exempting provision of (6)(2)(f) of Passports Act, 1967, as per the Government of India, Ministry of External Affairs notification No.G.S.R.570(E) dated 25.08.1993 issued by exercising powers conferred by clause (a) of section 22 of the said Act."

5. Heard the learned counsel for the petitioner, learned Government Pleader appearing for the respondents 3 & 4 and the standing counsel appearing for the respondents 1 & 2.

6. After hearing both the sides, this Court finds that, the grievance of the petitioner can be caused to be settled by relegating the petitioner to move the concerned Magistrate's Court ,where the crimes are pending pursuant to Exts.P1 and P2. The concerned Magistrate shall consider the application, if at all any, preferred in this regard and the 2nd respondent shall take necessary steps based on the outcome of the said proceedings for settling the grievance of the petitioner.

Disposed of accordingly.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.