

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 3825 of 2015 (C)

PETITIONER(S):

**DR.SUMA JOHN, AGED 50 YEARS,
W/O.JOHN, CHRISTIAN MISSION HOSPITAL QUARTERS,
PANDALAM POST, PATHANAMTHITTA DISTRICT, KERALA STATE,
PIN-689 501.**

**BY ADVS.SRI.R.SURAJ KUMAR
SRI.SAJITH C.GEORGE
SMT.V.BEENA
SRI.SUNIL J.CHAKKALACKAL
SMT.DEEPA V.**

RESPONDENT(S):

- 1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, CENTRAL SECRETARIAT,
NEW DELHI-110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
SNSM BUILDING, KARALKADA JUNCTION, PETTAH POST,
THIRUVANANTHAPURAM-695 024.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 3825 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT.P1: TRUE COPY OF THE RELEVANT PAGE OF PASSPORT DATED
15.03.2013**

**EXHIBIT P.2: TRUE COPY OF THE JUDGMENT DATED 10.04.2012 IN W.P(C)
NO.6921/2012 ON THE FILE OF THIS HON'BLE COURT**

**EXHIBIT.P3: TRUE COPY OF THE ORDER DATED 2.09.2014 IN O.P.(CRL.)NO.192/2014
ON THE FILE OF THIS HON'BLE COURT.**

**EXHIBIT.P4: A TRUE COPY OF THE SAID LETTER DATED 20.11.2014 ISSUED BY THE
2ND RESPONDENT**

**EXHIBIT.P.5: TRUE COPY OF THE REPLY DATED 9.12.2014 ISSUED TO THE 2ND
RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.3825 of 2015

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Dated this the 29th day of October, 2015

J U D G M E N T

The petitioner is a doctor by profession. The petitioner applied for re-issuance of passport and that was issued. Thereafter the passport authority based on the verification report the petitioner was directed to surrender her passport as it was disclosed that the petitioner is involved in a criminal case (medical negligence case). Accordingly they directed the petitioner to surrender the passport after issuing show cause.

2. The petitioner also gave Ext.P5 reply. As the matter stands now there is undisputed fact that the petitioner is involved in a criminal case. The petitioner can obtain the passport only based on the permission granted by the criminal court where case is pending in the light of judgment in Asok kumar vs. Union of India [2009(2) KLT 711].

3. The petitioner submits that the passport authority may restrict duration of the passport for one year.

4. This Court is of the view that the criminal court shall consider the petitioner's request for issuing a passport having longer duration. If the petitioner approaches the Judicial First Class Magistrate Court, Adoor, the Court shall pass appropriate orders in the matter in the light of Asok kumar's case and also in the light of the notification of the Ministry of External Affairs G.S.R 570 (E) dated 25.8.1993. The Judicial First Class Magistrate Court, Adoor shall pass appropriate within two weeks from the date of receipt of the copy of such application from the petitioner. If the permission is granted needful shall be done by the passport authority in accordance with law without any delay.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE