

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

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

WP(C).No. 3883 of 2015 (I)

PETITIONER(S):

**PRASAD K.,
PUTHANPURAYIL HOUSE, KOZHOOR,
ERUVATTY, THALASSERY.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT(S):

**THE REGIONAL PASSPORT OFFICER,
OFFICE OF THE REGIONAL PASSPORT OFFICER,
ERANHIPALAM P.O., KOZHIKODE, PIN: 673 006.**

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

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

msv/

WP(C).No. 3883 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1: THE TRUE COPY OF THE LETTER DATED 12/11/2014 ISSUED BY THE
RESPONDENT**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

P.R. RAMACHANDRA MENON J.

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Dated, this the 26th day of February, 2015

JUDGMENT

The petitioner with an intent to have passport made an application before the respondent, which was considered and Ext. P1 communication was issued on 12.11.2014, referring to the involvement of the petitioner in a crime as mentioned in the adverse police verification report. This made the petitioner to approach this Court by filing the present writ petition, seeking for a direction to be given to the respondent to issue passport at the earliest.

2. The respondent has filed a statement; paragraphs 3 and 4 of which read as follows :

"3. The petitioner had submitted his application for passport as per file No. KO1067957224114. Later police verification report was received by this office with an adverse remark stating that the petitioner is an accused in Cr. No. 502/12 of Dharmadam Police Station in C.C. No. 639/2013 pending before the Hon'ble Assistant Sessions Court, Thalassery. Subsequently a show cause notice was

issued to the petitioner under Section 6(2) (f) of Passports Act 1967, seeking explanation regarding suppression of fact about pendency of criminal case against him in the passport application. Thereafter the petitioner approached this Hon'ble Court for getting an order directing the Passport Officer, Kozhikkode to issue passport, by exempting him from the provisions of Clause (f) of sub Section (2) of Section 6 of Passports Act, 1967.

4. Regarding the averments in Ground a, it is submitted that Passport could be refused under Section 6 (2) (f) of Passports Act 1967, if proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India unless and until the case is finally disposed of or the concerned court gives permission of the subject."

3. Heard the learned Assistant Solicitor General as well.

4. After hearing both the sides, this Court finds that existence of Crime and the fact that the petitioner has been arrayed as an accused stand conceded. In the said circumstances, the petitioner is set at liberty to approach the Assistant Sessions Court , Thalassery and get appropriate orders in connection with C.C. 639 of 2013, so as to enable the petitioner to pursue further steps. If the petitioner succeeds in getting favourable orders, it is

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: 3 :

open for the petitioner to approach the respondent for issuance of passport in accordance with the law.

The Writ Petition stands disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd