

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 5926 of 2015 (M)

PETITIONER(S):

**SUHARABEEVI, AGED 57 YEARS,
D/O. KHADIJA, HOUSE NO. 21, ABSU MANZIL,
VIKAS NAGAR, PAPPAD LANE, PEROORKADA VILLAGE,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.R.SUNIL KUMAR,
SMT.A.SALINI LAL.**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
KASTURBA GANDHI MARG, NEW DELHI - 110 011.**
- 2. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, SNSM BUILDING,
KARALKADA JUNCTION, PETTAH P.O., TRIVANDRUM - 695 024.**

BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 5926 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1- TRUE COPY OF THE JUDGMENT IN O.P(CRL). NO.352/2012
OF THE HON'BLE HIGH COURT.**

EXHIBIT-P2- TRUE COPY OF THE ANNOUNCEMENT NOTICE OF HAJ.

EXHIBIT-P3- TRUE COPY OF THE APPLICATION BEFORE THE 2ND RESPONDENT.

EXHIBIT-P4- TRUE COPY OF THE REPLY GIVEN BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5926 of 2015

Dated this the 4th day of March, 2015

J U D G M E N T

The petitioner admittedly is the 1st accused in S.C. No.1623/2010 pending before the Assistant Sessions Court, Attingal, involving the offence under Section 306, 500 r/w 34 I.P.C. The petitioner intends to perform 'HAJ', for which issuance of a passport is necessary. It is stated that the petitioner had approached this Court earlier by filing O.P.Crl. No.352/12, which was disposed of, as per Ext.P1 judgment directing disposal of the case by the concerned Sessions Court at the earliest. But the matter is stated as still pending. Refusal on the part of the 2nd respondent to consider the application for passport vide Ext.P4, made the petitioner to approach this Court by filing the writ petition.

2. Heard the learned standing counsel appearing for the respondents as well, who submits that, the petitioner has to obtain clearance from the concerned Court, for causing the application of the petitioner for issuance of the passport to be considered.

3. In the said circumstances, the petitioner is set at liberty to move the concerned trial Court, where the matter is pending, for appropriate relief. On production of the clearance, if any, the application preferred by the petitioner for issuance of passport shall be considered and appropriate orders shall be passed at the earliest, at any rate, within 'two weeks' thereafter.

The writ petition stands disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn