

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 7380 of 2015 (V)

PETITIONER :

**FR. REJI KURIAKOSE,
S/O KURIAKOSE, THEKKINETH HOUSE, ALLAPRA P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT, PIN:683 553.**

**BY ADVS.SRI.JAIBY PAUL
SMT.ANITA JAIBY**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI, PIN:100 001.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,
SECRETARIATE, THIRUVANANTHAPURAM-695 001.**
- 3. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR P.O.,
ERNAKULAM DISTRICT, PIN:682 036.**
- 4. THE SUPERINTENDENT OF POLICE,
ERNAKULAM RURAL, ALUVA, ERNAKULAM DISTRICT,
PIN:683 101.**
- 5. THE CIRCLE INSPECTOR OF POLICE,
PERUMBAVOOR, ERNAKULAM DISTRICT, PIN:683 552.**
- 6. THE SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION, ERNAKULAM DISTRICT,
PIN:683 552.**

**R1 & R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2,R4 TO R6 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE COPY OF THE INVITATION FOR THE HOLY WEEK SERVICE, ISSUED BY THE VICAR OF ST. GEORGE'S JACOBITE SYRIAN ORTHODOX CONGREGATION, LEEDS, UK TO THE PETITIONER DATED 25.2.2015.
- EXHIBIT P2: A TRUE COPY OF THE APPLICATION SUBMITTED BY THE MANAGING COMMITTEE OF THE ST.GEORGE'S JACOBITE SYRIAN ORTHODOX CONGREGATION, LEEDS, UK BEFORE THE BRITISH EMBASSY, CHENNAI DATED 25.2.2015.
- EXHIBIT P3: A TRUE COPY OF THE TRAVEL SUMMARY OF THE PETITIONER ISSUED BY THE TRAVEL AGENCY DATED 5.3.2015.
- EXHIBIT P4: A TRUE COPY OF THE SURRENDER CERTIFICATE, WITH FILE NO.CO2067589565314, ISSUED BY THE 3RD RESPONDENT ALONG WITH A COPY OF REGISTER OF CALENDAR AND COMMITTAL PROCEEDINGS CASES IN FORM NO.4 IN CRIME 643/97 OF THE PERUMBAVOOR POLICE STATION IN C.C.NO.447/98 JFCM, PERUMBAVOOR AND A COPY OF THE SUMMONS IN S.C.602/2007 DATED 22.7.2008, ISSUED BY THE ADDL. SESSIONS JUDGE, FAST TRACK NO.1, THRISSUR.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.7380 OF 2015
.....

Dated this the 19th March, 2015

J U D G M E N T

The grievance of the petitioner is mainly with regard to the refusal on the part of the third respondent /Regional Passport Officer, to release the passport of the petitioner, which was caused to be surrendered pursuant to the instruction issued in this regard. The case of the petitioner is that the petitioner was issued passport bearing No.L8156904 by the third respondent . Subsequently, observing that the petitioner had made some suppression of material facts as to the pendency of a crime against him, he was required to surrender the passport and it was surrendered accordingly. But the petitioner sought to explain the position stating that no crime was pending against him, which however was not taken into consideration. Hence the writ petition.

2. The version of the respondents 1 and 3 (Union of India and Regional Passport Officer) as given in paragraphs 3, 4 and 7 is in the following terms:

*"3. Admittedly, petitioner was issued a
Passport bearing No.L8156904 on
28.03.2014 by Regional Passport Office,*

Cochin. The passport was issued under "Tatkaal" Scheme pending Police verification. On 02.06.2014 an adverse verification report was submitted by the police authorities citing that Cr.No.474/04 was pending against the petitioner in Vadakkanchery Police Station. A show cause notice was issued following which, the passport was surrendered by the petitioner at the office of the third respondent on 19.06.2014.

4. In addition to the pending criminal case cited above, it is understood from the petition that he is also summoned as a witness in SC.602/2007 pending before the Addl. Sessions Judge Fast Track No.1, Thrissur. The averments of the petitioner in para 3 that the case against him has been compounded relates to Cr.No.643/97 of Perumbavoor Police Station in C.C..No.447/98 before JFCM, Perumbavoor , which is different from the pending case as mentioned in the police verification report.

5 .xx xx xx

6. xx xx xx

7. The petitioner in the present instance is prima facie guilty, of suppressing information relating to the pending case 474/04 at Vadakkancherry Police Station. The passport issuing authority had directed him to

surrender the passport based on the provisions of Section 6(2) (f) mentioned against para 3. Since, there is suppression of material facts in the passport application, provisions of Section 12(b) apply in his case."

3. The learned Counsel for the petitioner submits that only one case was there connecting the petitioner, which formed the subject matter of of S.C.602 of 2007 of Fast Track Court-I, Thrissur, in relation to Crime No.643/1997 of Perumbavoor Police Station pertaining to C.C.No.447 of 1998 of JFCM Court, Perumbavoor. In the said case, the petitioner was arrayed **only as a witness** and the position is sought to be substantiated with reference to Ext.P4. The learned Counsel for the petitioner further submits that because of the course pursued by the police authorities, utmost loss and difficulties have been caused to the petitioner , who infact is to visit U.K. based on Ext.P1 invitation for the **Holy Week Service** to be commenced from 29.03.2015 to 05.04.2015 .

4. The version of the respondents however is with reference to some other case, ie. Crime 474 of 2004 stated as pending against the petitioner. In the said circumstance, the

respondents were directed to produce the 'adverse police verification report', which has been produced along with memo dated 17.03.2015. The said police verification report does not reveal that the petitioner has been arrayed as an accused . But in the concerned column, wherein the 'tick' mark has been given by the Dy.S.P, it is stated that the application is not recommended, because of the adverse police verification report.

5. The learned Government Pleader submits, on instruction that, the Crime No. 474 of 2004 referred to in the adverse police verification report in fact pertains to the subject matter of SC.602 of 2007 of the Fast Track Court-I, Thrissur, wherein the petitioner has been arrayed only as a witness and never as an accused. It is also stated that the 'tick' mark given by the concerned police officer is only due to an inadvertent mistake and that no crime is pending against the petitioner before any Court.

6. In the said circumstance, the third respondent/Regional Passport Officer is directed to release the passport of the petitioner, which has already been surrendered, at the earliest, at any rate, within 'three days' from the date of receipt of a copy

of this judgment.

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

P.R.RAMACHANDRA MENON
JUDGE

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