

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 16286 of 2015 (I)

PETITIONER:

**GEORGE VARGHESE, AGED 65 YEARS,
S/O. LATE VARGHESE, OTTAPLANKAL HOUSE,
RAILWAY STATION P.O., THIRUVALLA,
PATHANAMTHITTA (DIST.)**

**BY ADVS.SRI.JACOB P.ALEX,
SRI.JOSEPH PALEX.**

RESPONDENTS:

- 1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI – 110 011.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, S.N.S.M BUILDING, KARALKADA JUNCTION,
PETTAH P.O., THIRUVANANTHAPURAM, PIN-695 024.**

R1 & R2 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL OF INDIA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Prv/2.

WP(C).No. 16286 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE FINAL REPORT IN CRIME NO. 740 OF 2012.**
- EXHIBIT P2: TRUE COPY OF THE ORDER SHEET IN CC NO. 50/2014 BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA.**
- EXHIBIT P3: TRUE COPY OF THE ORDER IN CRL.MP.NO. 1129 OF 2012 IN L.P.NO. 45/2011 THE COURT OF CHIEF JUDICIAL MAGISTRATE, PATHANAMTHITTA.**
- EXHIBIT P4: TRUE COPY OF THE ORDER SHEET IN CC NO. 49/2014 BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA.**
- EXHIBIT P5: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT WITH POSTAL RECEIPT.**

RESPONDENTS' ANNEXURE:

- ANNEXURE R2(A): TRUE COPY OF THE LETTER DATED 27.05.2015 ADDRESSED TO THE DISTRICT POLICE CHIEF, PATHANAMTHITTA.**

//TRUE COPY//

P.A. TO JUDGE.

K. VINOD CHANDRAN, J

W.P(C) No. 16286 of 2015

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the 2nd respondent is not acting upon the representation filed at Ext.P5. The brief facts to be noticed are that the petitioner had filed a complaint with respect to offences under Sections 420 r/w 34 of the Indian Penal Code against three accused. Two of them are absconding and are said to be residing abroad. The petitioner approached the Magistrates Court, which issued a non-bailable order as is evidenced at Ext.P3. The petitioner has filed Ext.P5 representation before the 2nd respondent Passport Officer. The 2nd respondent has filed a statement, in which, Annexure R2(a) is produced which is a communication addressed to the District Police Chief, Pathanamthitta for a report in the matter.

In such circumstance, the District Police Chief shall immediately consider the same and issue a report, despite the fact that he is not a party in the above writ petition. The petitioner shall produce the certified copy of this judgment before the District Police Chief, Pathanamthitta. The petitioner shall also be entitled to produce the

certified copy of the order of non-bailable warrant issued by the Magistrate before the respondent authority. The respondent authority shall act in accordance with law, as expeditiously as possible.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge