

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 16444 of 2015 (E)

PETITIONER(S):

**NOUSHAD THAZHAITH, AGED 37 YEARS,
S/O.HASSAN, RAHMATH MANZIL, THIKKODE POST,
QUILANDY, KOZHIKODE DISTRICT.**

BY ADV. SRI.T.K.KUNHABDULLA

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA, NEW DELHI, PIN - 110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
KOZHIKODE, PIN - 673 001.**
- 3. STATION HOUSE OFFICER,
NADAKKAVU POLICE STATION, KOZHIKODE, PIN - 673 001.**

*** ADDITIONAL R4 IMPEADED**

- 4. DEPUTY SUPERINTENDENT OF POLICE,
SPECIAL INVESTIGATION TEAM, CB CID,
COIMBATORE, DR.BALASUNDARAM ROAD,
P.R.S. CAMPUS, COIMBATORE - 18.**

*** IS IMPEADED AS PER ORDER DTD. 30.7.2015 IN IA.10608.2015.**

**R1-R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:TRUE COPY OF THE PASSPORT NO.H 5939876 ISSUED FROM THE OFFICE OF THE
2ND RESPONDENT ON 09.09.2009.**

P2:TRUE COPY OF THE VIZA STAMPED PAGE OF EXT P1 PASSPORT.

**P3:TRUE COPY OF THE FEE RECEIPT AND ACKNOWLEDGEMENT LETTER
DATED 28.04.2015 ISSUED FROM THE PASSPORT SEVA KENDRA OF
2ND RESPONDENT AT VADAKARA.**

**P4:TRUE COPY OF THE JUDGEMENT DATED 18.08.2011 IN WPC.NO.14622/2011 OF
THIS HONOURABLE COURT.**

**P5:TRUE COPY OF THE JUDGMENT DATED 09.01.2012 IN WPC.NO.33606/2011 OF THIS
HONOURABLE COURT.**

**P6:TRUE COPY OF THE JUDGMENT DATED 31.07.2014 IN SC.NO.114/2011 PASSED BY
THE COURT OF SESSIONS, KOZHIKODE.**

**P7: TRUE COPY OF ORDER DTD.3.11.2015 IN CMP.4280/2015 OF THE JUDICIAL
MAGISTRATE COURT NO.III, COIMBATORE.**

**P8: TRUE COPY OF AADHAAR CARD BEARING NO.5546 9067 2113 ISSUED ON
12.6.2015.**

**P9: TRUE COPY OF RELEVANT PAGES OF THE PASSBOOK OF MY SAVINGS BANK
ACCOUNT NO.13060100186112 OF FEDERAL BANK, PUTHIYARA BRANCH,
KOZHIKODE ISSUED ON 21.5.2015.**

RESPONDENT(S)' ANNEXURES:

**ANNEXURE R2(a): TRUE COPY OF LETTER NO.1605/SB/KD/R/2011 DTD.22.9.2011
FROM THE DEPUTY SUPERINTENDENT OF POLICE, SPECIAL
BRANCH CID, KOZHIKODE RURAL.**

IA.NO.11791/2015 IN WP(C) NO.16444/2015

**ANNEXURE R2(a): A TRUE COPY OF THE POLICE VERIFICATION REPORT ISSUED BY
SUB INSPECTOR OF POLICE, PAYYOLI POLICE STATION.**

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.16444 of 2015

Dated this the 25th day of November, 2015

JUDGMENT

The petitioner approached the Passport Authority for reissue of Passport.

2. Admittedly, the petitioner is involved in a criminal case. The petitioner now submits that he has been granted a permission by the Judicial Magistrate No.III, Coimbatore to go abroad. Ext.P7 is the order of the Judicial Magistrate No.III, Coimbatore. The Passport Authority is also insisted the petitioner to produce the proof of address shown in the application.

3. In this matter, a statement has been filed on behalf of respondents 1 and 2. In paragraph-4 of the statement, it is stated as follows:

“4. If any case is still pending against the petitioner in a Criminal Court in India his application for passport shall be liable to be rejected under Section 6(2)(f) of Passports Act, 1967. However, if the Honourable court permits him to depart from India during the pendency of criminal court case, a short

validity passport can be granted to him as stipulated in Notification No.G.S.R.570(E) dated 25.08.1993 published by the Ministry of External Affairs instead of his passport No.H5939876. But he shall have to furnish his present address with proof and remit penal fee stipulated under Section 12(1) (b) for suppression of present address. Penal fee can be decided only after getting his present address [If new address also falls under the jurisdiction of the same District Police Chief, then there will be no penalty]. However, if any criminal case is still pending against him before a criminal court in India (Ref.case pending in Tamil Nadu), then penal fee shall be imposed for suppression of that information in the passport application.

In the light of the above facts and circumstances, following directions are issued:

- i. The petitioner shall produce a copy of Ext.P7 order before the Passport Authorities.
- ii. The petitioner also shall produce proof of address to prove the address shown in the application.
- iii. Based on the above and satisfying other conditions as referred in paragraph-4 in the statement filed before

this Court, the application shall be considered in
accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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