

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 22583 of 2015 (W)

PETITIONER:

**ANTONY CHIRAYIL JOHN, AGED 35 YEARS,
S/O.CHIRAYIL THOMAS JOHN, CHIRAYIL HOUSE, 1/1806,
JACOB ROAD, FORTKOCHI P O, KOCHI 682001.**

BY ADV. SRI.T.N.SURESH

RESPONDENT:

**THE REGIONAL PASSPORT OFFICER, ERNAKULAM,
PANAMPILLY NAGAR, ERNAKULAM 682036.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE FIRST PAGE OF PASSPORT NO Z-3000688 OF THE PETITIONER**
- P2:- TRUE COPY OF THE VISA HAVING VALIDITY UPTO 8/1/2018**
- P3:- TRUE COPY OF THE LETTER DTD 16/4/2015 ISSUED BY THE RESPONDENT TO THE PETITIONER**
- P4:- TRUE COPY OF THE LETTER DTD 26/6/2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT**
- P5:- TRUE COPY OF THE REFER REPORT DTD 28/3/2015 IN CRIME NO 155/2015 OF FORTKOCHI POLICE STATION**
- P6:- TRUE COPY OF THE SURRENDER CERTIFICATE ISSUED BY THE RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No. 22583 of 2015

Dated this the 05th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with the impounding proceedings taken with respect to his Passport. The brief facts to be noticed are that the petitioner had availed a passport as produced at Ext.P1, which is valid up to 28.12.2024. The petitioner being a frequent traveler applied for re-issuance of passport, since the pages were completely used up. Even on such application for re-issuance, it is stated by the respondent that a Police verification is called for. The passport having been issued under the Tatkaal Scheme, the issuance was effected and the respondent sent the matter for police verification.

2. The police verification report at Ext.P3 would show that the petitioner could not be identified on such enquiry being conducted. The petitioner's specific contention is that during that period petitioner was abroad. If that be so, there is no ground for

impounding on the basis of Ext.P3. Since the passport of the petitioner is now in the custody of the respondent, the respondent could very well verify whether as on the date of such police verification, the petitioner was abroad or within the country.

3. However, on subsequent verification, the respondent was informed that there is a crime pending numbered as 155/2015 before the Fort Kochi Police Station. The petitioner however had produced Ext.P5 final report which seeks that the matter be referred under Section 173 of the Cr.PC; as one case is made out Definitely the petitioner need not wait for the acceptance of the final report. However, the petitioner could as well move the Judicial First Class Magistrate Court at Mattancherry in Crime No.155/2015 with a request for noticing the final report and passing an order. If such an application is filed, the Magistrate shall look at the records and if such a final report is filed, permit the re-issuance of the passport itself. An order shall

be issued to that end; if the final report is in the files of the Magistrates court, and even if the same is not accepted. The petitioner on production of the order from the Magistrates Court shall be handed over the passport. The impounding proceedings shall not be finalised for a period of one month from today.

Writ petition allowed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge