

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 38117 of 2015 (L)

PETITIONER :

**P. SASI, AGED 60 YEARS,
S/O. KRISHNAN K.V., SEASCAPE, HOLLOWAY ROAD,
P.O.THALASSERY, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENTS:-:

- 1. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI - 110 001.**
- 2. THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, KOZHIKODE - 673 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 38117 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE ORDER DATED 20.06.2014.

EXHIBIT P2: A TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT.

**EXHIBIT P3: A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE PASSPORT SEVA KENDRA, KANNUR.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 38117 of 2015

Dated this the 16th day of December, 2015

J U D G M E N T

The petitioner, who is accused in a crime, had approached the Additional Sessions Judge, Thalassery, seeking permission to go abroad in order to process the application for passport before the passport authorities. As per Ext.P1 order, the court ordered no objection in the passport authority renewing the passport of the petitioner for any length of time. Accordingly, the petitioner was issued with passport having validity of one year. That period is over. The petitioner has submitted Ext.P3 application for re-issuance of passport. The petitioner has approached this Court aggrieved by the non consideration of Ext.P3 application for re-issuance of passport.

2. The learned Assistant Solicitor General would submit that the petitioner has to obtain fresh permission from the court. He also submits that an accused in a

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crime cannot apply for fresh passport under Tatkal Scheme.

3. This Court is of the view that the crime registered against the petitioner, as referred in Ext.P1, is the only crime now subsisting against the petitioner. Fresh permission from the court is not necessary in view of Ext.P1 order to the effect that the court has no objection in issuing the passport to the petitioner by the passport authority for any length of time. However, if the petitioner is involved in any other crime, certainly, the petitioner has to obtain fresh permission from the court. Further, as rightly pointed out by the learned Assistant Solicitor General, an accused cannot apply for a fresh passport under Tatkal Scheme. Therefore, the petitioner's application has to be treated as an application under normal category.

Therefore, the writ petition is disposed of with the following directions;

- The petitioner's application shall be considered as an

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application under normal category after verifying police report, in the light of the notification issued by the Ministry of External Affairs dated 25.10.1993.

- The crime against the petitioner is the only crime referred in Ext.P1 order and fresh permission from the court is not necessary.
- However, if any other crime is registered against the petitioner, necessarily, the petitioner has to obtain a fresh permission from the court, where the crime is pending.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE