

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 38613 of 2015 (B)

PETITIONER :

**MUSTHAFA KUNNIKKAL,
AGED 36 YEARS, S/O.AHMED CHALUMPATTIL,
KUNNIKKAL HOUSE, THAMARASSERY
KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S) :

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

R1 & R2 BY ADV. SRI.N.NAGARESH, ASGI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 38613 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1: TRUE COPY OF THE LETTER DATED 4/12/2015 ISSUED BY THE 1ST
RESPONDENT.

EXT. P2: TRUE COPY OF THE JUDGMENT PASSED BY THE COURT OF JUDICIAL
FIRST CLASS MAGISTRATE IV, KOZHIKODE IN C.C. 200/2004 DATED
3/4/2007.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 38613 of 2015

Dated this the 18th day of December, 2015

J U D G M E N T

The petitioner is the 4th accused in Crime No.21/2004 registered in Nadakkavu Police Station. He has already filed an application for discharge of the offences. The petitioner's passport has been impounded as per Ext.P1, alleging that a crime is registered against him. The petitioner seeks a direction to return the impounded passport.

2. This Court is of the view that as the petitioner's application for permission to go abroad is pending, the petitioner shall apply for a fresh passport. The learned counsel for the petitioner submits that the petitioner has already submitted an application for discharge. In that view of the matter, it is open to the court to consider the application for discharge also.

3. The Judicial First Class Magistrate IV,

..2..

Kozhikode shall consider the application for permission to go abroad or the application for discharge, whichever is earlier, within a period of one week of moving the application. If such permission is granted, the petitioner shall apply for fresh passport before the 1st respondent, and based on the above, fresh passport shall be issued to the petitioner in accordance with law. If there is no other legal impediment, the court shall consider the application for discharge within the time frame as above.

4. If the petitioner has been given permission to go abroad or he has been discharged from the offence, the petitioner shall be given the old passport with the endorsement as “cancelled” along with the fresh passport.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE