

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38694 of 2015 (J)

PETITIONER:

**KITTSOON VARGHESE,
S/O.VARGHESE PULLOKKARAN JACOB,
PULLOKKARAN HOUSE, PATTALAKINAR ROAD,
CHIYYARAM.P.O., THRISSUR DISTRICT,
KERALA STATE, PIN - 680 026.**

**BY ADVS.SRI.JOMON P.VARGHESE
SRI.ANTO THOMAS
SRI.P.S.SISHOY**

RESPONDENT:

**PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
PANAMPILLY NAGAR.P.O, KOCHI - 36.**

BY SRI.N.NAGARESH, A S G

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE PASSPORT BEARIANG NO.H7167938
DATED 13.5.10.
- EXT. P2 : TRUE COPY OF PASSPORT BEARIANG NO.M 5372547
DATED 9.1.2015.
- EXT. P3 : TRUE COPY OF THE NOTICE DATED 30.5.15 BEARING
NO.SCN/302728719/15 ISSUED BY THE RESPONDENT.
- EXT. P4 : TRUE COPY OF THE EXPLANATION GIVEN BY THE PETITIONER TO
EXHIBIT P3 BY REGISTERED POST DATED NIL.
- EXT. P5 : TRUE COPY OF THE POSTAL RECEIPT DATED 30.7.2015 BEARING
NO.RL 664849986 IN.
- EXT. P6 : TRUE COPY OF THE FIR & FI STATEMENT IN CRIME NO.904/13 OF
OLLUR POLICE STATION.
- EXT. P7 : TRUE COPY OF CMP NO.1637/13 FILED BEFORE THE JFMC COURT III
TRISSUR DATED 22.4.13.
- EXT. P8 : TRUE COPY OF THE FINAL REPORT DATED 29.6.13 FILED BY THE
OLLUR POLICE BEFORE THE JFMC COURT III THRISSUR, IN CRIME
NO.904/13 OF OLLUR POLICE STATION.
- EXT. P9 : TRUE COPY OF THE JUDGMENT DATED 5.8.15 PASSED BY THIS
HON'BLE COURT IN WP(C)NO.23652/2015
- EXT. P10 : TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT
DATED 5.8.15.
- EXT. P11 : TRUE COPY OF THE RECEIPT BEARING NO.COCP153223367517
DATED 12.8.15 ISSUED BY THE RESPONDENT.
- EXT. P12 : TRUE COPY OF THE SURRENDER CERTIFICATE ISSUED BY THE
RESPONDENT.
- EXT. P13 : TRUE COPY OF THE APPLICATION DATED 20.8.15.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A. MUHAMED MUSTAQUE, J

W.P.(C).No. 38694 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner is the holder of the passport. The petitioner was involved in a criminal case. Therefore, the Passport Authority directed the petitioner to surrender the passport. The petitioner surrendered the passport. Ext.P12 is the surrender certificate produced by the petitioner. As per Ext.P12, the petitioner advised to apply for re-issue of passport along with the court order. It appears that the petitioner again approached the Passport Authority with an application of the passport.

2. This Court is of the view that the petitioner should obtain permission from the Chief Judicial First Class Magistrate Court-III, Thrissur, where the criminal case is pending against the petitioner. If the petitioner moves the

court where the criminal case is pending, the application for permission shall be considered by the Magistrate Court within one week while moving such an application. If the petitioner is granted a permission, the Passport Authority shall consider the application in accordance with law. The Magistrate is directed to consider the application in the light of the Government Order G.S.R.570(E) dated 25/8/1993.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

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