

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38987 of 2015 (W)

PETITIONER(S) :

**SHANAVAS BABU PATTARKADAVATH,
S/O.PARAKKADAVATH SHEIK MUHAMMED,
PARAKKADAVATH HOUSE, CHEMMANIYODE P.O.,
MALAPPURAM DISTRICT,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
SHEIK MUHAMMED, PATTARKADAVATH HOUSE, CHEMMANIYODE P.O.,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENT(S) :

- 1. THE UNION OF INDIA,
REPRESENTED BY THE JOINT SECRETARY (PSP) & THE CHIEF
PASSPORT OFFICER, C.P.V DIVISION, PATIALA HOUSE ANNEXE,
THILAK MARG, NEW DELHI, PIN 110 018.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, MALAPPURAM, PIN 676 505.**
- 3. THE SUB INSPECTOR OF POLICE,
MELATTOOR POLICE STATION, MALAPPURAM DISTRICT,
PIN 679 326.**

**R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 38987 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE ORDER DATED 26.07.2012 IN CRL.MC.NO.2853/2010 OF THIS HON'BLE COURT.**
- P2: TRUE COPY OF THE JUDGMENT DATED 05.08.2013 IN W.P.(C).NO.18965/2013 OF THIS HON'BLE COURT.**
- P3: TRUE COPY OF THE APPEAL SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 13.11.2013.**
- P4: TRUE COPY OF THE JUDGMENT IN C.C.NO.486/2009 OF THE J.F.C.M II, PERINTHALMANA DATED 15.03.2014.**
- P5: TRUE COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT DATED 08.09.2015 AS NO. VIII/402/APP-05/2014**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.38987 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioner is the holder of the Passport. He is involved in a criminal case. He has been directed to surrender his Passport by Ext.P5 order.

2. This Court is of the view that the Passport Authority is justified in directing the petitioner to surrender the Passport.

3. The petitioner has a case that all the co-accused have been acquitted and therefore, the Passport Authority may be directed to consider his request for re-issue of the Passport.

This Court is of the view that the petitioner shall approach the court where the case is pending either seeking a permission to go abroad or seeking a discharge. If such an application is filed by the petitioner before the court, the same

shall be considered within one week from moving of such application. It is open for the court to consider the application for granting permission or in application for discharge whichever is earlier. If any permission is granted, the petitioner's application for Passport shall be considered in accordance with law by the Passport Authority without any delay.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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