IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 19TH DAY OF OCTOBER 2020 / 27TH ASWINA, 1942

OP(Crl.).No.304 OF 2020

AGAINST THE ORDER/JUDGMENT IN CMP 1044/2020 OF SPECIAL COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS FOR TRIAL OF CASES U/S.138 NI ACT(JMFC XI)

CRIME NO.381/2016 OF Valiyathura Police Station, Thiruvananthapuram

PETITIONER:

BINOYJACOB
AGED 48 YEARS
S/O.CHACKO JACOB, RESIDING AT 5-B, JUPITER, TRINITY WORLD, CHITTETHUKARA, THRIKKAKARA TALUK, KAKKANAD, ERNAKULAM.

BY ADVS.
SRI.V.S.BABU GIREESAN
SMT.K.PREETHA JOHN

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF EKRALA, ERNAKULAM-682 031.

2 **THE DY.S.P. OF POLICE-II,**
CRIME BRANCH, THIRUVANANTHAPURAM.

R1 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 19.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 19th day of October 2020

When this petition came up for consideration, the counsel for the petitioner submitted that he will file a better petition before the lower court with sufficient reason to get the passport.

Therefore, this Original Petition is disposed of granting liberty to the petitioner to file a fresh petition for getting custody of the passport. If such a petition is filed by the petitioner, the same will be considered by the learned Magistrate in accordance with law.

Sd/-

P.V.KUNHIKRISHNAN

JUDGE

jms

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**COPY OF THE PETITION FILED BEFORE THE CITY COMMISSIONER OF POLICE DATED 29.01.2016.**
EXHIBIT P2	**COPY OF THE FIR AND FIS IN CRIME NO.381 OF 2016 OF VALIYATHURA POLICE STATION DATED 16.03.2016.**
EXHIBIT P3	**COPY OF THE ANTICIPATORY BAIL OF A1 DATED 31.03.2016.**
EXHIBIT P4	**COPY OF THE JUDGMENT IN CRL.MC NO.4248/2016 DATED 13.12.2016.**
EXHIBIT P5	**COPY OF THE JUDGMENT IN OP(CRL.) 193/2008 DATED 24.07.2019.**
EXHIBIT P6	**COPY OF THE RELEASE ORDER IN CMP NO.116/2020 DATED 11.02.2020.**
EXHIBIT P7	**COPY OF THE EXTENSION APPLICATION BY 2ND RESPONDENT FOR INVESTIGATION DATED 29.02.2020.**
EXHIBIT P8	**COPY OF THE PETITION UNDER SECTION 156(3) SUPERVISION AND MONITORING OF INVESTIGATION DATED 03.09.2020.**
EXHIBIT P9	**COPY OF THE PETITION UNDER SECTION 340 & 195 IPC DATED 07.09.20.**
EXHIBIT P10	**COPY OF PETITION TO HOLD THE PASSPORT DATED 03.09.20.**
EXHIBIT P11	**COPY OF THE OBJECTION BY 2ND RESPONDENT.**
EXHIBIT P11 A	**COPY OF THE REPORT BY 2ND RESPONDENT DATED 29.09.20.**
EXHIBIT P12	**COPY OF THE ORDER OF CBI COURT DATED 02.03.2017.**
EXHIBIT P13	**COPY OF THE ORDER IN CMP NO.1044/2020 DATED 01.10.20.**