

Salin vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-06-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/2296/2024

Appellant : SALIN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 6TH DAY OF MARCH 2024 / 16TH PHALGUNA, 1945 AGAINST THE ORDER DATED 14.06.2023 IN CC NO.504 OF 2017 OF CHIEF JUDICIAL MAGISTRATE, KALEPETTA

PETITIONER/ ACCUSED : SALIN, AGED 44 YEARS, PUTHANPURAKKAL HOUSE, H.S. NAGAR, 5TH CROSS, MUNDERI, KALPETTA, WAYANAD DISTRICT, PIN - 673121 BY ADV VISHNUPRASAD NAIR RESPONDENT/ COMPLAINANT : STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 SRI. NOUSHAD K.A.,

PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C.No.2296 of 2024 Dated this the 6th day of March, 2024

ORDER

Petitioner is aggrieved by the order dated 14.06.2023 granting permission to renew his passport without a time limit.

2. Petitioner is the accused in C.C.No.504 of 2017 before the Chief

Judicial Magistrate's Court, Kalpetta. The offences alleged against the petitioner are under Sections 409, 419, 465, 468, 471 and 420 r/w Section 34 of the Indian Penal Code, 1860.

3. During the pendency of the proceeding, since the petitioner wanted to renew the passport and intended to visit his wife at U.K., he applied for permission to the learned Magistrate to renew the passport. By order dated 14.06.2023, the learned Magistrate allowed the application. However, no period of validity of the passport was mentioned.

4. When court grants permission to renew the passport without

specifying the renewal period, the passport authorities renew the passport only for one year especially when criminal cases are pending. On the basis of the above referred order, the passport of the petitioner was renewed only for one year.

5. Sri.Vishnuprasad Nair, the learned counsel for the petitioner

submits that since Visa will be issued to travel to U.K., only if the passport has a validity of more than two years, the permission granted by the learned Magistrate ought to be for a longer period.

6. The impugned order was issued on 14.06.2023 and if the passport has been issued with a validity of one year, at the time of next renewal, certainly the petitioner will be able to impress upon the learned

Magistrate to grant a longer period of validity for the passport. After acquiescing into the order, petitioner cannot now turn around, challenging it after a lapse of 8 months. In such circumstances, reserving the liberty of the petitioner to apply afresh, before the jurisdictional Magistrate for renewal of the passport with a longer validity period, this Crl.M.C. is dismissed. Sd/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF CRL.MC 2296/2024 PETITIONER'S ANNEXURES : Annexure 1 CERTIFIED COPY OF THE ORDER DATED MAGISTRATE COURT, KALPETTA, WAYANAD IN CRL.M.P. NO. 3385/2023 IN C.C. NO.

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