

Sasidharan vs State of Kerala,

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Court : Kerala

Decided On : Nov-01-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/8973/2023

Appellant : Sasidharan

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023 / 10TH
KARTHIKA, 1945 CRL.MC NO. 8973 OF 2023 CRIME NO.1770/2016
OF Yeroor Police Station, Kollam AGAINST THE ORDER/JUDGMENT
CC 136/2017 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,
PUNALUR PETITIONER/ACCUSED NO.1: SASIDHARAN AGED 66
YEARS S/O. PACHAN ASARY, ALANKAR TEXTILES,
NEDUMKANADAM P.O., IDUKKI, PIN - 685553 BY ADVS. GOKUL D.
SUDHAKARAN S.NITHIN (ANCHAL) RESPONDENTS/STATE AND
COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682031 2 THE REGIONAL PASSPORT OFFICER REGIONAL PASSPORT OFFICE, KOCHI ,SHIHAB THANGAL ROAD, PANAMPILLY NAGAR, ERNAKULAM, PIN - 682036 3 UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, ROOM NO. 127, SOUTH BLOCK, RAISINA HILLS, NEW DELHI (IMPLEADED AS ADDITIONAL R3 AS PER ORDER DATED 01.11.2023) BY ADV MANU S. DSG OF INDIA

SRI VIPIN NARAYAN (SR PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This petition is filed seeking directions to the 2 nd respondent to renew or revalidate the passport of the petitioner bearing No.L1151807, as the petitioner is aggrieved by the inaction on the part of the 2 nd respondent in renewing his passport as proceedings are pending against him in C.C.No.136/2017 before the Judicial First Class Magistrates Court-I, Punalur.

2. The petitioner was issued with passport bearing

No.L1151807 on 30.01.2013 and the same expired on 29.01.2023. Since the petitioner was working in Saudi Arabia at the relevant time, the petitioner applied for renewal of passport. The application for renewal of passport was filed on 12.07.2023. However, the petitioner did not receive any passport pursuant to his application. On

enquiries, it was informed that the passport is not being issued as the petitioner is arrayed as an accused in Crime No.1770 of 2016 of Yeroor

Police Station, Kollam District and the same was suppressed by the petitioner in his application for issuance of passport. It is submitted that, on enquiry, it was learned that the aforesaid crime was registered against the petitioner and two others alleging commission of offences under Sections 452, 341, 294A, 323 and 354 of the Indian Penal Code.

3. It is submitted that the prosecution allegation is

that the petitioner along with the other accused, trespassed into the property of the complainant and abused him and when the wife of the complainant tried to stop the same, the accused abused her by tearing her dress and thereby they have committed the offences alleged against them.

4. The learned counsel for the petitioner would submit that in almost identical circumstances, this Court through order dated 10.02.2023 in CrI.M.C.No.839 of 2023 directed as follows:

Therefore, there will be a direction to the Indian Embassy at Paris to re-validate the passport of the petitioner for a further period of one year from 01.01.2023. However, immediately on arrival in India, petitioner shall surrender his passport before the judicial First Class Magistrate Court-

1. Attingal, Thiruvananthapuram, which shall be retained

until disposal of the four cases, CC.No.1361 of 2013, C.C.No.495 of 2016, C.C.No.1726 of 2016 and C.C.No.2058 of 2016 on the files of the said court. It is submitted that a similar direction may be issued in the present case as well.

5. Heard the learned Public Prosecutor and the

learned DSGI appearing for the additional 3rd respondent. This CrI.M.C. will stand disposed of, directing the Indian Embassy at Jeddah to revalidate the passport of the petitioner for a further period for one year from the date of issue, if the application is otherwise in order. However, immediately on arrival in India, the petitioner shall surrender his passport before the Judicial First Class Magistrate Court-I, Punalur. Thereafter, if

the petitioner wishes to go abroad, he may make suitable application in that court and he may be permitted to go abroad, subject

to the directions issued by that court. In order to enable the authorities to re-issue the passport as directed in this judgment, the petitioner shall make a fresh application along with a copy of this judgment. Sd/- GOPINATH P. JUDGE
SSK/01/11 APPENDIX OF CRL.MC 8973/2023 PETITIONER ANNEXURES
Annexure 1 TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT
HAVING NO. L1151807 ON 30.01.2013 OF THE PETITIONER Annexure 2 TRUE
COPY OF THE ACKNOWLEDGMENT RECEIPT OF THE PASSPORT
APPLICATION

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