

Arun vs the State of Kerala

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Court : Kerala

Decided On : Mar-17-2022

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : WP(C)/69/2022

Appellant : ARUN

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN THURSDAY, THE 17TH DAY OF MARCH 2022 / 26TH PHALGUNA, 1943 WP(C) NO. 69 OF 2022 PETITIONER/S: ARUN,AGED 27 YEARS S/O. AYYAPPAN, ATHIRA BHAVAN, LEKSHMI NAGAR 200,MUNDAKKAL P.O, KOLLAM TALUK, KOLLAM DISTRICT 691 016 BY ADVS. C.R.JAYAKUMAR NOBEL RAJU RESPONDENT/S:

1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM DISTRICT

695 001 2 THE CITY POLICE COMMISSIONER OFFICE OF THE CITY
POLICE COMMISSIONER, CHINNAKADA P.O, KOLLAM DISTRICT
691 001 3 THE STATION HOUSE OFFICER ERAVIPURAM POLICE
STATION, ERAVIPURAM P.O, KOLLAM DISTRICT 691 011 4 THE
REGIONAL PASSPORT OFFICER OFFICE OF THE PASSPORT
OFFICE, SNSM BUILDING, PETTAH P.O, THIRUVANANTHAPURAM
695 024 BY ADV MANU S., ASG OF INDIA SMT.S.KRISHNA, CGSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: WP(C) NO. 69 OF 2022 ..2..

JUDGMENT

The petitioner is the holder of an Indian passport

bearing No.M-7617729, which is valid till 24.03.2025. The petitioner submits that he has received a job offer in the State of Kuwait. Though he had submitted Ext.P7 application for Police Clearance Certificate (PCC) from the 4th respondent, the said certificate is not so far issued to the petitioner. The petitioner submits that the delay in issuing the PCC by the 4th respondent may result in losing the job opportunity, which has been offered to him as per Ext.P6 letter.

2. Heard the learned Counsel for the petitioner and Smt.S.Krishna, the learned CGSC.

3. A statement has been filed on behalf of the 4 th respondent.

4. This Court in W.P.(C) No.17204 of 2021 dated 16.09.2021 has held that even though criminal case is WP(C) NO. 69 OF 2022 ..3..

pending against the applicant for passport, PCC can be issued, after endorsing that a criminal case is pending. However, in such cases, permission shall be granted by the criminal court, where the case is pending and the PCC shall also show that the court where the criminal case is pending has permitted the petitioner to travel abroad.

5. In the case at hand, so far the petitioner has not

approached the court, where the criminal case is pending for NOC to travel abroad. If the petitioner approaches the Judicial First Class Magistrate Court-II, Kollam, where C.C.No.1865/2018 is pending and where the petitioner is an accused and if the said court grants NOC to the petitioner to travel abroad, the petitioner can approach the 4th respondent for issuance of PCC. In such

case, the 4th respondent will make necessary endorsement regarding the pendency of the criminal case as well NOC, if any granted by the criminal court, where

WP(C) NO. 69 OF 2022 ..4.. the case is pending. With these observations, the writ petition is disposed of. Sd/- MURALI PURUSHOTHAMAN JUDGE SB/17/03/2022
WP(C) NO. 69 OF 2022 ..5.. APPENDIX OF WP(C) 69/2022 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE FIR NO. 206/2018 OF ERAVIPURAM POLICE STATION Exhibit P2 THE TRUE COPY OF THE FINAL REPORT IN FIR NO 206/2018 OF ERAVIPURAM POLICE STATION NUMBERED AS CC NO KOLLAM Exhibit P3 THE TRUE COPY OF THE CERTIFICATE IN AUTOMOBILE ENGINEERING DATED 4-08-2014 ISSUED FROM THE V INSTITUTE, KOLLAM Exhibit P4 THE TRUE COPY OF THE CERTIFICATE IN AUTO ELECTRICIAN DATED 11-08-2014 ISSUED FROM THE V INSTITUTE, KOLLAM Exhibit P5 THE TRUE COPY OF THE PASSPORT VIDES NO M7617729 ISSUED BY THE REPUBLIC OF INDIA Exhibit P6 THE TRUE COPY OF THE OFFER LETTER NO KRH/RD/JO/PL/M7617729 DATED 9/12/2021 ISSUED FROM KRH, KUWAIT Exhibit P7 TRUE COPY OF THE ONLINE APPOINTMENT RECEIPT DATED 22- 12-2021

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