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Stanley Daniel vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2022

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/4634/2022

Appellant : Stanley Daniel

Respondent : State of Kerala

Judgement :

Crl.M.C.No.4634/22 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 CRL.MC NO. 4634 OF 2022 CRIME NO.3818/2017 OF Pathanamthitta Police Station, Pathanamthitta PETITIONER/ACCUSED NO.2: STANLEY DANIEL, AGED 58 YEARS, S/O.M.T.DANIEL, REHOBOTH (KODINJINAL HOUSE), MYLAPPARA TOWN P.O., MYLAPPARA VILLAGE, KONNI TALUK, PATHANAMTHITTA DISTRICT, NOW RESIDING AT VILLA NO.11, SFS GARDANIA, VAZHAKALA, KAKKANAD, ERNAKULAM, PIN - 682 021. BY ADVS. S.RAJEEV M.S.ANEER PRERITH PHILIP JOSEPH SARATH K.P.

RESPONDENT/STATE: STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, (CRIME NO.3818/2017 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA DISTRICT - 689645), PIN - 682031 THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.07.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C.No.4634/22 2

ORDER

The petitioner is the 2nd accused in C.C.No.62 of 2019 on the file of the Chief Judicial Magistrate Court, Pathanamthitta. The offence alleged against the petitioner in the said case is under Section 420 IPC read with Section 34 IPC. This Crl.M.C. is filed by the petitioner, seeking permission to renew the passport of the petitioner for a period of five years.

2. The reason for approaching this Court directly by the

petitioner is that, the proceedings in the aforesaid calendar case is now stayed by this Court as per order passed in Crl.M.C.No.7271 of 2019. Therefore, it is pointed out that, since the matter is pending before this Court, the permission has to be granted by this Court.

3. Heard Sri.S.Rajeev, learned counsel for the petitioner and

Sri.Vipin Narayan, learned Public Prosecutor for the State. The learned counsel for the petitioner brought my attention to the fact that on earlier occasion also as per Annexure-2 order, this Court granted permission to him to go abroad subject to certain conditions. Now the passport of the petitioner is expiring on 16.08.2022 and this Crl.M.C. is filed in such circumstances.

4. After perusing the records and hearing the contentions of

either side, I am of the view that the permission can be granted for a limited period. In my view, merely because of the reason that a person Crl.M.C.No.4634/22 3 was implicated in an offence, his means of livelihood shall

not be curtailed. In the case of the petitioner, he wants to go abroad for the

purpose of employment. More over, it is evident from Annexure-2 order

that once this Court has already granted permission for him to go abroad. Therefore, I do not find any reason to deny the relief sought for by the petitioner for a limited period. In the facts and circumstances of the case, I deem it appropriate to permit the petitioner to apply for renewal of his passport for a period of two years.

4. In the result, this Crl.M.C. is disposed of permitting the petitioner to get his passport renewed for a period of two years subject to the following conditions:

(1) Petitioner shall execute a bond for Rs.2,00,000/- (Rupees two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the Chief Judicial Magistrate Court, Pathanamthitta.

(2) The petitioner shall undertake before the court that he shall make himself available before the court as and when required.

(3) Before leaving the country the petitioner shall produce attested copies of the travel documents, contact address, phone number, Whatsapp number and email ID before the trial court.

Sd/- ZIYAD RAHMAN A.A. JUDGE DG/4.8.22 Crl.M.C.No.4634/22 4 APPENDIX OF CRL.MC 4634/2022 PETITIONER ANNEXURES Annexure1 A COPY OF THE PASSPORT OF THE PETITIONER Annexure2 A COPY OF THE ORDER IN CRL.MC NO.3874/2021, DATED 09-09-2021

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