

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 04TH DAY OF MAY 2021 / 14TH VAISAKHA, 1943

Cr1.MC.No.899 OF 2021(B)

AGAINST THE ORDER/JUDGMENT IN CMP NOS.128 & 129/2021 OF JUDICIAL
MAGISTRATE OF FIRST CLASS, NADAPURAM

CRIME NO.662/2020 OF NADAPURAM POLICE STATION, KOZHIKODE

PETITIONER/PETITIONER/ACCUSED NO.16:

SIDDIQ P.P
AGED 40 YEARS
S/O.ABDULLA HAJI, CHUNDAYIL HOUSE, MUDAVANTHERI PO,
NADAPURAM, KOZHIKODE -673 505

BY ADVS.
SRI.P.VIJAYA BHANU (SR.)
SRI.P.M.RAFIQ
SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN
SRUTHY N. BHAT
SRI.V.C.SARATH
SRI.AJEESH K.SASI
SMT.POOJA PANKAJ
SMT.M.A.SHEEBA

RESPONDENTS/RESPONDENTS/STATE:

- 1 STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM -682 031.
- 2 PASSPORT OFFICER
PASSPORT OFFICE, ERANHIPALAM, KOZHIKODE -673 006.

SRI.P.R. RENJITH - PP
BY ADV. SRI.P.VIJAYAKUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04.05.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 4th day of May 2021

This Crl.M.C is filed challenging Annexure B order of the Judicial Magistrate of First Class, Nadapuram through which the petitioner's request for release of passport and permission to go abroad was rejected by that Court.

2. It is noticed that the petitioner was released on bail by the order marked as Annexure A of this Court, whereby this Court had imposed a condition that the passport shall be surrendered and further that the petitioner shall not leave India without permission of the Court.

3. The learned counsel for the petitioner submits that the petitioner has a genuine reason to go abroad as he is conducting a business at Qatar and his presence is required there. He also submits that the trial of the case is not likely to take place in the near future.

4. I have heard the learned Public Prosecutor also.

5. The learned Public Prosecutor submits that the petitioner is involved in other cases as well and therefore, it would not be in the interest of justice to allow the request of the petitioner.

In the over all facts and circumstances of the case, I am of the opinion that if the presence of the petitioner can be ensured by imposing any other condition and if the request of the petitioner is genuine, the petitioner need not be restrained from going abroad especially in the light of the fact that the trial of the case is not likely to commence in the near future. Therefore, I set aside Annexure B order directing the Judicial Magistrate of the First Class, Nadapuram to re-consider the matter. The petitioner shall produce such material as may be necessary to show that his request for going abroad is genuine and for bonafide purpose. The learned Magistrate shall on being convinced of the genuineness of the request of the petitioner pass orders permitting the petitioner to go abroad after releasing his passport for such time as may be deemed appropriate by the learned Magistrate and imposing such condition as may be necessary to ensure the presence of the petitioner at the trial of the case.

This Crl.M.C. is disposed of with the above said directions.

sd/-

GOPINATH P .

JUDGE

mpm

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A	TRUE COPY OF THE ORDER IN B.A.NO.7093/2020 DATED 5.11.2020 PASSED BY THIS HONOURABLE COURT.
ANNEXURE B	TRUE COPY OF THE APPLICATION PREFERRED BY THE PETITIONER IN C.M.P. 128/2021 BEFORE THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, NADAPURAM.
ANNEXURE C	TRUE COPY OF THE APPLICATION PREFERRED BY THE PETITIONER IN C.M.P. 129/2021 BEFORE THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, NADAPURAM.
ANNEXURE D	TRUE COPY OF THE COMMON ORDER IN C.M.P. 128 AND 129/2021 BEFORE THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, NADAPURAM, DATED 27.1.2021