
(2010) 11 KL CK 0248

In the High Court Of Kerala

Case No : Writ Petition (C) No. 34021 of 2010 (C)

Thathradan Veedu Rajesh

APPELLANT

Vs

The Passport Officer

RESPONDENT

Date of Decision : 11-11-2010

Acts Referred:

Passports Act, 1967 — Section 6(2)

Citation : (2010) 11 KL CK 0248

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : John K. George, for the Appellant; Sunil Cyriac, CGC, for the Respondent

Judgement

Antony Dominic, J.—Petitioner states that he is the holder of Indian passport No. 4038452 issued on 19/7/05. However, that passport has expired. Subsequently, petitioner made Ext.P4 application for issuance of a passport for a shorter duration. However, the same is declined to be issued for the reason that the petitioner is an accused in CC No. 573/07 pending before the Judicial first Class Magistrate Court, Kannur. It is in these circumstances, the writ petition is filed seeking a direction to the respondent to accept the application for passport, process the same and issue the passport.

2. u/s 6(2)(f) of the Passports Act, 1967, a person who is an accused in a criminal case is ineligible to be issued a passport. However, the Government of India have issued notification No. G.S.R.570(E) dated 25/8/93, directing that such persons can seek permission of the Court where the case is pending, and that, if the court permits, passport can be issued. This circular has been referred to by this Court in Asok Kumar v. State of Kerala 2009(2) KLT 712. Therefore, the recourse available to the petitioner is to move the court concerned and seek permission, and if permission is obtained, make an application to the respondent concerned enclosing the same.

With that liberty, the writ petition is disposed of.