

Harshath Khan Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Dec. 12, 2023

Hon'ble Judges: P.V.Kunhikrishnan, J

Bench: Single Bench

Advocate: Manu Ramachandran, M.Kiranlal, R.Rajesh, T.S.Sarath, Sameer M Nair, Sailakshmi Menon, Jothisha K.A., Della Mariam Thomas, M.P.Prasanth,

Final Decision: Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. This Criminal Miscellaneous Case is filed aggrieved by the direction in Annexure-A6 order to the effect that the petitioner is not entitled exemption

for appearance even though the court granted permission to renew the passport and also directed to file an affidavit stating that the petitioner shall not

dispute his identity as the particular accused in the case when the trial goes on in his absence and shall always be represented by his lawyer.

2. Annexure-A5 is the petition filed by the petitioner before the lower court in which the prayer is to allow the accompanying petition filed by the

petitioner for permanent exemption to travel abroad and to get permission to renew the passport. The first part of the petition is not considered by the

learned Magistrate properly.

3. I am of the considered opinion that in the light of the conditions imposed in Annexure-A6, the court below ought to have allowed the exemption also.

But the counsel for the petitioner submitted that the petitioner want a passport with validity of minimum three years for the purpose of going abroad. If

such a petition is filed the learned Magistrate will consider the same taking a lenient view and fixing the period at least for a period of three years.

Therefore, this criminal miscellaneous case is disposed of with following directions:

The petitioner is free to file a fresh petition before the Judicial First Class Magistrate Court-I, Pathanamthitta, for getting exemption for going abroad

and to renew the passport for a minimum period of three years and if such a petition is filed, the learned Magistrate will allow the same after imposing

appropriate conditions, if any, necessary, as expeditiously as possible, at any rate, within one week from the date of receipt of the petition.

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