



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 13TH DAY OF NOVEMBER 2023 / 22ND KARTHIKA, 1945

WP(C) NO. 32556 OF 2023

PETITIONER:

XXXXXXXXXX
XXXXXXXXXX XXXXXXXXXXXX

BY ADV V.N.KIRAN LAL

RESPONDENTS:

- 1 REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR, COCHIN,
ERNAKULAM, PIN - 682036
- 2 CHIEF PASSPORT OFFICER, PASSPORT SEVA KENDRA
ALLEPPEY AVENUE CENTRE, NEAR KANNAN VARKEY BRIDGE,
BEACH ROAD, ALAPPUZHA, PIN - 688001
- 3 MANU SANKAR, AGED 32 YEARS, S/O. OMANAKUTTAN
KUTTIPIRATHU HOUSE NEAR PATHIRAPPALLY VILLAGE OFFICE
CHETTIKATTUMURY, PATHIRAPPALLY, ALAPPUZHA, PIN -
688521
- 4 ADDL.R4 THE DISTRICT POLICE CHIEF (RURAL),
PERUMBAVOOR, ERNAKULAM
- 5 ADDL.R5 THE STATION HOUSE OFFICER,
PERUMBAVOOR POLICE STATION
[ADDL.R4 AND R5 SUO MOTU IMPEADED AS PER ORDER
DATED 20.10.2023]

MANU S. DSG OF INDIA
APARNA C.MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner alleges that the third respondent is attempting to flee from law, though he had committed rape on her; and therefore, pleads that respondents 1 and 2 be directed to impound his passport forthwith.

2. However, Smt.Aparna C.Menon – learned counsel for the third respondent, submitted that her client has already obtained an order of bail from this Court, wherein, the only condition is that he must mark his appearance and sign before the Investigating Officer every Saturday, until the final report is filed. She submitted that, therefore, her client cannot leave India, even if he wants so; and that he does not intend to do so, without obtaining further orders from the competent Court.

3. Recording the afore submissions of the third respondent and since he renders it luculent that the relief sought for by the petitioner is not necessary to be granted, I close this writ petition; however, leaving liberty to the petitioner to approach this Court again, if circumstances warrant so in future; for which purpose, all rival contentions are left open.

I am persuaded to the afore course also because,



Sri.Gireesh Kumar - learned Central Government Counsel, submitted that the impounding of the passport of any person is an extreme step, which can be done only under the orders of Courts. I also record his submission that since there are no conditions imposed on the bail order of the third respondent to such effect, the impounding of his passport cannot be done merely on the asking of the petitioner.

Sd/- DEVAN RAMACHANDRAN

JUDGE

stu



APPENDIX OF WP(C) 32556/2023

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE FIR AND FIS IN CRIME
NO.1018/2023 OF PERUMBAVOOR POLICE STATION,
ERNAKULAM DISTRICT