

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOMAS P.JOSEPH**

**FRIDAY, THE 30TH APRIL 2010 / 10TH VAISAKHA 1932**

**CRL.MC.NO. 1230 OF 2010()**

**CRMP.2964/2010 OF JUDL.MAGISTRATE OF FIRST  
CLASS-I, PUNALUR**

**PETITIONER(S): ACCUSED**

**ANEESH KUMAR @ RAJESH KUMAR,  
S/O. RABHAKARAN NAIR, ANILLAYAM VEEDU,  
NETTAYAM, YEROOR VILLAGE, KOLLAM DISTRICT.  
(FROM SOUPARNIKA, ANIYOOR, CHEMBAZHANTHI DESOM,  
THIRUVANANTHAPURAM).**

**BY ADV. SRI.B.MOHANLAL**

**RESPONDENT(S): COMPLAINANT**

**STATE OF KERALA, REPRESENTED BY THE  
SUB INSPECTOR OF POLICE YEROOR POLICE STATION  
KOLLAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SHRI K.M. FEROZ**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 30/04/2010, THE COURT ON  
THE SAME DAY PASSED THE FOLLOWING:**

**THOMAS P.JOSEPH, J.**

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**CRL.M.C. No.1230 of 2010**

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**Dated this the 30<sup>th</sup> day of April, 2010**

**ORDER**

This petition is preferred by accused No.1 in Crime No.92 of 2010 of Yeroor Police Station. That is a case registered against the petitioner and accused No.2 for offences punishable under Sections 468 and 471 of the Indian Penal Code read with Section 12(1)(b) of the Indian Passports Act. Case is that petitioner (Aneesh Kumar , S/o.Soma Rajan, Anilalayam, Nettayam, Yeroor Village) impersonated himself as Accused No.2, (Rajesh Kumar, S/o. Prabhakaran Niar, Souparnika, Aniyoor, Chempazhanthi) and obtained a forged passport by giving the address of accused No.2 and affixing his own photograph on the passport. A complaint was received by the Dy.S.P., based on which investigation started. Passport of the petitioner was seized by the police and produced before the court. Petitioner filed Crl. M.P. No.2964 of 2010 stating that he has been employed abroad since long, the period of his Visa is to expire in April, 2010 and hence for the purpose of renewal of Visa through the brother of petitioner the passport may be temporarily released to the petitioner. Learned Magistrate obtained report of the Investigation Officer who stated

about the impersonation and forgery in getting the passport and apprehended that petitioner might go abroad making use of the passport. Learned Magistrate accepted the report and dismissed the application. Hence this petition. Learned counsel for petitioner submitted that the only objection raised by the Investigation Officer is that petitioner might go abroad with the passport and if that be the apprehension learned Magistrate could have made sufficient safeguards to ensure presence of petitioner at station. Learned Public Prosecutor opposes the petition stating that offence was committed by the petitioner with the connivance of accused No.2, there is prima facie case of impersonation and forgery and such passport cannot be made use of for any purpose.

2. Passport is the property of the Government of India. The request is to release the passport for obtaining extension of Visa. Report of the Investigating Officer which I find no reason to discard at this stage would show impersonation and forgery in the matter of obtaining that passport. Such a passport cannot be permitted to be made use of by the petitioner for extension of Visa as that will amount to permitting petitioner to commit illegality using an invalid passport.

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In the circumstances I am not inclined to think that the learned Magistrate has committed any illegality in dismissing the application.

There is no merit in the petition and it is dismissed.

**THOMAS P.JOSEPH, JUDGE.**

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