IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE- II, MAVELIKARA

Present: Sri. Anandhu.J.B, Judicial First Class Magistrate-II.

Dated this the 10th day of July, 2025

CMP No.1489/2025 in CC.492/2024

Petitioners/ accused : PACL Company and Others,
A4. Subartho Bhattacharya, S/o V.Bhattacharya, F-19, South City-I, Gurugram, Haryana-122001.

A5.Gurmeet Singh, S/oKulwant Singh Chahal, DP-9 Pitampura, New Delhi-110034.
(By Advs.A.K.Zirajudeen & Sreeram Raveendran)

Counter Petitioner : State represented by the S.I of Police, Nooranad in Cr.850/15 [Crime Branch Cr.236/CB/ALPY/R/2021]
(By A.P.P., JFCM Court-II, Mavelikara)

Section of law : U/s. 228 of BNSS.

This petition coming on this day for consideration, the court passed the following:-

ORDER

1. Petition filed by the accused nos.4 and 5 in the above case u/s 228 of BNSS. Accused are charged with offences punishable u/ss.420, 409 r/w 34 IPC, 3 r/w 4, 5 &6 of Prize Chits and Money Circulation Shceme (Banning Act).

2. Accused no.4 filed affidavit stating that he is under treatment of Cardiac decease and hyper tension and Brochettes Asthma and Chronic Diabetic. His wife is also under treatment of some psychiatric disorder and his personal assistance is required her for all time. He is residing at Haryana and the doctor restricted him in travelling due to his health condition. He is the sole bread winner of the family. Accused no.5 filed affidavit stating that he is under Cardiac decease, Liver Fibrosis and

hyper tension. He is now residing at Delhi and his doctor restricted to travel due to his health condition. Hence the petitioners/accused no.4 and 5 could not attend the court on the posting days of this case. They further states that they will not dispute their identity before the Court and they are ready to appear before the court as and when called for and they are to be permitted to be represented by their counsels in their examination u/s 351 BNSS (313 Cr.PC) also. Therefore, petitioners/accused no.4 and 5 seeks exemption from personal appearance before the court. They produced medical records before the court.

4. Copy Served to the APP. The Detective Inspector of Police, Crime Branch, Alappuzha filed report stating that if the petition is allowed there is chance of absconding the petitioners/ accused nos.4 and 5.

5. Heard the counsel for the petitioner and perused the records.

5. The allegations levelled against the petitioner are u/ss. 420, 409 r/w 34 IPC, 3 r/w 4, 5 &6 of Prize Chits and Money Circulation Scheme (Banning Act). This case is of the year 2024. The accused nos.4 and 5 surrendered before the court, granted bail and charge was framed to them. The prosecution evidence has not commenced. There are 37 witnesses are to be examined for the completion of the trial. Hence, the trial of the case could not be completed in the near future. From the affidavits, it is satisfied that if the petitioners are not exempted, it will cause great prejudice to them. The petitioners also undertakes that they will not dispute their identity in trial. Hence, I am of the view that this petition can be allowed.

In the result, petition is allowed as follows:-

1. The petitioners/accused nos.4 and 5 are exempted from personal appearance for a period of one year.

2. The petitioners shall file an affidavit stating that they will not take a plea that the evidence is recorded in their absence.
3. The petitioners shall file an affidavit stating that they will not dispute their identity even when the evidence is recorded in their absence.
4. The petitioners shall be represented by their counsel during the trial in their absence.
5. The petitioners shall appear before the court as and when directed.

(Dictated to the Confidential Assistant, data entered by her, corrected and pronounced by me in open court on this the 10th day of July, 2025)

sd/-

Judicial First Class Magistrate-II,
Mavelikara.