

**IN THE SPECIAL COURT FOR PMLA CASES /
SPECIAL COURT(SPE/CBI)-II / NIA CASES, ERNAKULAM**

Present :- Shri. Kamanees K., Judge for PMLA Cases
Thursday, the 01st day of February, 2024 / 12th Magha, 1945

Crl.M.P Nos. 642 / 2018 & 643 / 2018

in

S.C No. 329/2017

Crl.M.P No. 642/2018

Petitioner / Accused No. 2:-

Lekha.S.S.,
W/o. Sri. K.S.Sabu,
Sivasannidhi, Kizhuvilam P.O,
Mamom, Attingal,
Thiruvananthapuram - 695304.

By Adv. Sri. John.S.Ralph

Respondent / Complainant :-

Govt. of India
Represented by Asst. Director, Director of Enforcement, Kochi.

By Sri. K.V.Sabu, Special Prosecutor, E.D

Crl.M.P No. 643/2018

Petitioner / Accused No. 3:-

Sunitha.K.S, W/o. Harikumar.K.S.,
Geethanjali, Edakkode,
Korani.P.O., Thiruvananthapuram - 695104.

By Adv. Sri. John.S.Ralph

Respondent / Complainant :-

Govt. of India

Represented by Asst. Director, Director of Enforcement, Kochi.

By Sri. K.V.Sabu, Special Prosecutor, E.D

These petitions having been heard on 01/02/2024 and the court on this day passed the following :-

COMMON ORDER

These are applications filed u/s.205 Cr.P.C. seeking exemption from personal appearance, filed by respective accused persons K.S. Sunitha and S.S. Lekha.

2) The applications are supported by affidavits. Smt. K.S. Sunitha states that her father in-law Sri. Sreedharan is bedridden after a major surgery and sustained fracture on his neck. She permanently resides in Thiruvananthapuram. She has authorised her counsel to represent her in future proceedings including answering of charge, questions u/s.313 (1) (b) Cr.P.C. and filing written statements if any. She will not dispute any question of identification at any point of time. For these reasons personal appearance may be exempted.

3) Like that, accused No.2 Smt. S.S. Lekha also undertakes the same way in her affidavit. She states that she has to take care of her ailing father.

4) Objections have been filed by the Enforcement Directorate contesting the applications. No sufficient reasons have been shown for the proposed absence and the reasons shown are not properly supported with sufficient documents. The intention is to avoid presence before the trial court and to defeat the interest of justice. Five years have elapsed from the date of filing and the charge has not been filed so far. In the interest of justice, both applications be dismissed.

5) It is true that this is a sessions trial wherein grave charges are alleged. However, these accused persons are ladies residing far away from this court. In the respective affidavits they have undertaken that they shall not challenge their identity nor shall abstain themselves away from the court in case when specifically called upon. Also added to that, counsels have been specifically authorised to answer the charges, supply answers to the questions u/s.313 (1) (b) Cr.P.C. and for all purposes of trial.

6) It is true that one of the accused persons has not specifically given any reasons for why she cannot appear before the court regularly. Even from the records produced by the prosecution these ladies are residing far away from Ernakulam and that itself is a good ground.

For these reasons, both applications are allowed. The respective petitioner is exempted from personal appearance u/s.205 Cr.P.C, on the condition that she shall be presented as and when specifically called for by the court.

Dictated to the Confidential Assistant and typewritten by her, corrected and pronounced by me in open court on this the 1st day of February, 2024.

Sd/-
Kamanees K.
Judge
Special Court for PMLA Cases

APPENDIX:-NIL

Id/-
Judge
Special Court for PMLA Cases

// True Copy //

(By Order)

Sheristadar

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Common Order
in
CrI.M.P Nos. 642/2018 & 643/2018
in
S.C No. 329/2017
Dated 01/02/2024