

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST
CLASS- I, KOCHI**

Present: Sri. Kannan L, Judicial First Class Magistrate - I, Kochi
Dated, this 31st day of January, 2026

CMP 240/2025 in ST 1496/2024

Petitioners/
Accused
Persons : 1. Santhosh Kuma, S/o Sadanandan, Partner of Indian
Steels, Kovil Vilaakm, Veyiloor (A3)
2. Vinod Lal, S/o Sivaraman, Partner of Indian Steels,
TC 6/2048, Chorrakkattu House Thottam, Manacaud
P.O., Thiruvananthapuram(A4)
(By Adv. P Rahul)

Respondent/
complainant : A.V. Thomas & Company Ltd, 4/499, 500 & 502,
PWD road, Kochalummoodu Junction, Pullikanankku
P.O., Kanyamkulam, represented by its Deputy
Manager, Priyesh Kurumali, M/s A.V. Thomas &
Company Ltd, Kochalummoodu Junction,
Pullikanankku P.O., Kanyamkulam

Offences : U/s 138 of NI Act

Order : Allowed

ORDER

This is an application filed by accused no. 3 and 4 in this case for dispensing with their personal appearance. The offence alleged against them is punishable under Section 138 of the Negotiable Instruments Act,1881.

2. The averments in the application are as follows. The petitioners have appeared before the court and were granted bail. They are employed abroad and are presently abroad. Due to the said reason, they are unable to appear personally before the court and their absence would adversely affect their employment. They had already authorized their counsel to represent them in all proceedings including recording plea, and examination under

Section 351(1)(b) of BNSS etc. They are ready to appear before the court at the time of judgment. Hence this application.

3. No particular objection is seen raised by the complainant.

4. Heard

5. As already mentioned that the offence alleged against the petitioners is punishable under Section 138 of Negotiable Instruments Act, 1881. The first accused is a partnership firm and the petitioners are alleged to be the partners. The reason stated by the petitioners is that they are presently employed abroad and is at abroad making them unable to appear before the court on all posting dates. Further it is mentioned that they had engaged their counsel to appear on their behalf for all practical purposes. The present case is of the year 2024. Considering all these circumstances, I am of the view that there is no harm in allowing this application.

6. In the result, this application is allowed and the personal appearance of the petitioners are dispensed with until further orders, subject to a condition that they shall appear before the court as and when directed to do so.

(Pronounced by me in the open court on this the 31st day of January, 2026).

Sd/-

Judicial Magistrate of the First Class – I, Kochi