

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-III,
N.PARAVUR

Present:- Smt. Sanitha.M.C, Judicial First Class Magistrate

Friday, the 5th day of December, 2025/ 14th Margashirhsam, 1947

Crl.M.P No.4736/2025 in S.T 298/2023

Petitioner/Accused : Preeja Sajith, aged 48 years, D/o K.A. Dasan,
Kannakkadakochei House, Udayamperoor.P.O,
Manakunnam village, kanayannur Taluk,
Ernakulam-682301.
(By Adv. M.B Shyni& Adv.Sarafudheen.T)

Respondent/Complainant : Simon Saju, aged 61 years, S/o Joseph,,
Panketh veedu, Kongorpilly.P.O, Alangad
village, Paravur Taluk,Pin-63518.
(ByAdv. K.Shaju Varghese, Adv. Nikhil
Sebastian, Adv. A.V.Vinu, Adv. Leo Sanjo)

The petition coming on this day for hearing, the court passed the following :-

ORDER

This is a petition filed by counsel for accused for exemption from personal appearance under Section 355 of Bharatiya Nagarik Suraksha Sanhita.

2. Accused in the above case is the petitioner herein. The offence alleged against the petitioner is under section 138 of Negotiable Instruments Act.,it is bailable. The petitioner has executed bail bond with solvent sureties on 27.11.2025. It is respectfully submitted that the petitioner is living separately from her husband from 2020 and she preferred OP No.1428/2023 for dissolution of marriage and OP No.1429/2023 for return of gold which are pending before the Hon'ble Family Court,Ernakulam. The petitioner has two children and elder child studying at De Montfort University, Leicester, United Kingdom for Msc. Visual Effects and Virtual

Production. It is further stated that the younger child studying 12th Standard SNDP Higher Secondary School, Udayamperror, Ernakulam. It is also submitted that petitioner is working as a Nursing Assistant at Genoa, Italy from 18th November, 2018 onwards. The petitioner is the sole breadwinner of her family. She has to return to Italy for continuing her job, permission of this Hon'ble Court is highly essential. Hence, this petition.

3. Copy served to respondent.

4. Heard both sides.

5. Point for consideration

Whether the petition is allowable?

6. **The point** :-

The petitioner is the accused in this case. The offence alleged against accused is under section 138 of Negotiable Instruments Act. It is settled law that if sufficient reason is made out there is no bar in allowing the accused exemption from appearance in court. The petitioner/accused is working as Nursing Assistant at Genoa, Italy. The accused is on bail in this case, particulars of offence were read over and explained to her. As the accused has not filed affidavit that she will not challenge her identity during trial of this case and she will be represented her counsel throughout the trial, I am of the view that the petition can be allowed on compliance of following conditions:-

1. The petitioner shall file affidavit that she will not dispute her identity during trial of this case.

2. The petitioner herein will stand exempted from her personal appearance during the trial of this case.

3. The petitioner shall be represented by the counsel on all posting dates and all proceedings taken by this court in his absence will be binding upon him.

4. The petitioner shall produce original and true attested copy of his passport and visa, before she goes abroad.

5. Petitioner shall furnish the address of the place at which he intends to reside while she is abroad and also her contact number before this court, before she leaves the country.
6. The power of this court to insist his personal appearance for examination under section 313 CrPC and Judgment and whenever this court feels it essential for the further progress of the proceedings is retained.
7. The pleader shall file a special vakkalath as per Rule 33 of Criminal Rules of Practice, Kerala 1982.
8. On violating any of the above conditions, this order stands automatically vacated.

(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court on this the 5th day of December, 2025)

Sd/-
Judicial First Class Magistrate III,
N.Paravur

//True copy//

Judicial First Class Magistrate III,
N.Paravur