

**IN THE SPECIAL COURT FOR ATROCITIES AGAINST WOMEN AND
CHILDREN (ADDL. SESSIONS COURT -I), KASARAGOD.**

Present:-Kum. Rajitha.T.H., Special Judge (Addl. Sessions Judge -I)

Tuesday, the 24th day of June, 2025

**Criminal.M.P.No. 3421 OF 2025 and Criminal.M.P No. 3423 OF 2025
in SC No 828/2024**

Crime No. 324/2024 of Chandra Police Station

Criminal.M.P.No. 3421 OF 2025

Between:-

Sreejesh.P.V, aged 35 years,
S/o.Sreedharan.P.K
R/at Pavorveetil House, Thekkad,
Kasaragod Taluk and District.

} Petitioner/
Accused No.2

AND

State:- The Station House Officer,
Chandra Police Station
Rep.By Addl.Public Prosecutor-I, Kasaragod

} Respondent/
Complainant

Petition was presented on : 19.06.2025

Petition filed on behalf of the accused No.2 U/s 205 of to exempt him from personally appearing before the Court.

Criminal M.P No.3423 of 2025

Between:-

Sreejesh.P.V, aged 35 years,
S/o.Sreedharan.P.K
R/at Pavorveetil House, Thekkad,
Padanna Village, Kasaragod Taluk & District.

} Petitioner/
Accused No.2

AND

State:- The Station House Officer,
Chandra Police Station
Rep.By Addl.Public Prosecutor-I, Kasaragod

} Respondent/
Complainant

Petition was presented on : 19.06.2025

Petition filed by the Petitioner to grant permission to leave India.

Both petitions are coming on this day for hearing before me in the presence of Sri.K.Balakrishnan, Advocates for Petitioner in both Crl.M.Ps; Addl. Public Prosecutor-I for the Respondents in both Crl.M.Ps; the Court passed the following:-

COMMON ORDER

The above applications have been filed by the accused No.2 in the above case, seeking an order to grant permission to leave India, and to exempt him from personally appearing before the court.

2. The common contentions in the petitions are that, he is the second accused in the above case. He has got an employment at Dubai, UAE, and is intending to go abroad with the leave of this court. So he is finding it difficult to appear before the court on all the hearing dates. He has authorized Advocate K. Balakrishnan to answer the charge and questioning u/s 351 of BNSS 2023. He assured that he will be present before the court as and when required by the court. So, he has requested to dispense his personal presence in the above case, and permitted to be present through his counsel, and also to grant permission to leave India.

3. Heard the learned counsel appearing for the petitioner and Public Prosecutor. This court has perused the records. The following points arise for consideration:

- (1) Whether the petitions are maintainable?
- (2) Whether the petitioner is entitled to get an order as prayed for?

4. **Points No.1 and 2:-** The Station House Officer of Chandera Police Station has filed a final report against the accused and two others, and this court took cognizance of the case under Section 448, 436 r/w 34 of IPC. The request of the petitioner is to permit him to go abroad to join for a job there, and also to exempt him from personally appearing before the court. Before considering the merits of the applications, it is necessary to go through the principles declared by the Honorable High Court of Kerala, in identical situations. The Honorable High Court in the order passed in **MUHAMMED SHAFI Vs THE STATE OF KERALA and another, CrI.MC.No.11 OF 2020(B)**, THURSDAY, THE 30TH DAY OF JANUARY 2020/10TH MAGHA, 1941, ordered that, in appropriate cases, the court can release the passport and permit the accused to go abroad with suitable conditions. In the decision reported in, **Moosa Pattupara Vs. State of Kerala 2022 (2) KLT 207**, the Honourable High Court held that, the accused who holds a valid passport need not obtain the permission of the court where the criminal case is pending, to leave the country, unless the movement of the accused is restricted by the court, and even in Sessions Case the court has the power to consider the petition seeking exemption from personally appearing before the court.

5. This court has considered the request of the petitioner/accused, and the objection raised by the prosecution. Going through the statements and affidavit filed by the petitioner/accused, this court doesn't find anything to doubt the veracity of his contentions. It is a fact that the accused/petitioner wants to visit abroad to join for a job. There is nothing on record to disallow

his request, and dismissal of the petitions would be against his interest. The prosecution has raised apprehension that the accused may delay the trial of the case, and it would be against the interest of the survivor. The grievance of the prosecution can be remedied by putting strict conditions. The principles stated in the above case-laws have clear application in the petition in hand.

6. In the result, the petitions are **allowed** subject to the following conditions:-

1. The petitioner is granted permission to go abroad for employment purpose, on executing a bond for an amount of ₹1,00,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the same sum, before this court.
2. The petitioner/accused is exempted from personally appearing before the court. He shall file an undertaking in the form of an affidavit in court that, he would appear before the court as and when required by the court, that he has no objection in proceeding with the trial in his absence, that he shall not object to the recording of evidence in his absence, that he will not dispute his identity during evidence and trial, and that his counsel will be present on all hearing dates without fail.
3. He shall engage a counsel to appear before the court on all hearing dates.
4. The petitioner/accused is ordered to depositing an amount of ₹50,000/- before this court. The petitioner/accused shall appear

before the court for framing of charge in the above case. If the accused/petitioner fails to appear before the court as and when required by the court, the amount deposited by him shall be forfeited without any notice.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court on this the 24th day of June, 2025.

Sd/-
ADDITIONAL SESSIONS JUDGE-I
KASARAGOD

//True copy//

SHERISTADAR

jmr/

Typed by: Sujatha.K
Compared by: Sujatha.K

Common Order in
CMP. Nos.3421/2025 & 3423/2025
in SC.No.828/202
in Crime No.324/2024
of Chandera Police Station
Dated: 24.06.2025