

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, PUNALUR
Present:- Smt. Asha Mariam Mathews, Judicial I Class Magistrate-I, Punalur

Dated this the 16th day of December 2025/ 25th day Agrahayana 1947

CMP No. 5021/2025 in C.C. No. 300/2017

Petitioner/Accused No. 2: Viswanadhan Achary, S/o Janardhanan Achari,
Rejani Bhavan, Panayancheri, Anchal.
(By Adv. Rajendran Pillai S.)

Complainant/Respondent : Ramachandran Achari, S/o Thankappanachari,
Raju Bhavan, Panayancheri, Anchal.
(By Adv. Alex K.)

ORDER

The petitioner prays for review of the order dated 22.09.2025 in CMP 4574/2025.

2. The crux of the petition is that petitioner is bedridden and has no source of income and therefore is unable to comply condition No. 1 of the Order of depositing Rs. 10,000/- as cash security. Petitioner submits that he and his family is dependent on mercy of others for their day to day life.
3. The respondent filed objection stating that the submissions of the petitioner is false prayed for dismissal of petition on the ground that the Court is barred from reviewing its own judgment or Order.
4. Heard both sides.
5. On a close reading of the petition it can be seen that the petitioner seeks to modify condition no.1 in Order dated 22.09.2025 in CMP 4574/2025. The condition No. 1 was imposed as a safeguard to secure the presence of the accused while his application for exemption was allowed. The personal appearance of petitioner was exempted on the ground that he is bedridden.

6. Though as per petition the word used is review I am of the view that the petitioner seeks to alter/modify condition No.1 of the Order in the CMP 4574/2025. The condition No.1 was imposed only as an additional safeguard to secure presence of accused. I am of the view that the Court is empowered to alter the condition imposed while granting exemption and the rigour of S. 403 of BNSS will not apply. Hence this CMP is allowed condition No. 1 in Order dated 22.09.2025 in CMP 4574/2025 is modified as follows:-

The petitioner shall execute bond for Rs. 5000/- with one surety.

Pronounced by me in open court on this the 16th day of December, 2025.

(Sd/-)

Judicial I Class Magistrate-I, Punalur

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Judicial I Class Magistrate-I, Punalur