

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS -II,  
SOUTH PARAVUR, KOLLAM**

**Present:- Smt. Chithralekha N. S.  
Judicial Magistrate of the First Class**

**Dated this the Thursday, 23<sup>rd</sup> day of October, 2025**

**CMP No. 2003/2025 IN CC 259/2023**

Petitioner/ Accused : Deepukumar, S/o. Janardhanan Pilla,  
Thekkemodakkalathu Veedu,  
Kottappuram, Kottappuram Village.  
(By Adv. Deepesh)

Respondent : State represented by the Sub Inspector of  
Police, Chathannur Police Station in  
Cr.No. 120/2020.  
(By Assistant Public Prosecutor, Paravur)

Order : Petition Allowed.

**ORDER**

1. This is a petition filed by the petitioner for dispensing his personal attendance before court to go abroad. The petitioner is the sole accused in CC 259/2023 (Crime No. 120/2020 of Chathannur Police Station), who allegedly committed offence punishable u/s. 420 of IPC.

2. The petitioner filed this petition stating that he had been working in Qatar and is about to join his work. He further stated that he is not in a position to appear before the court during the trial. He further submitted that he will not dispute his identity during trial. Hence this petition.

3. Heard the learned counsel for the petitioner and learned Assistant

Public Prosecutor. Perused the relevant records.

4. The petitioner has filed CrI. MP 1283/2025 against the order of this court dated 12.09.2025 in CMP No. 1283/2025 which dismissed the petition of CW1 seeking cancellation of his bail and order restraining him moving abroad. Apart from the petition no document showing any stay granted by Hon'ble Court of Sessions has been produced. On 16.10.2025 when the matter was taken up for hearing CW1 remained absent.

5. The right of the petitioner to travel abroad is a liberty that is granted under Article 21 of the Constitution of India. The petitioner has sought exemption from personal appearance on the ground he has to travel abroad in Qatar where he has been employed and has to join back on to duty on 11.10.2025. Not allowing the petition would amount to retaining the petitioner from making a livelihood for him and his family of which he is sole bread winner.

6. There has been produced no record of the Criminal Revision Petition if any pending before the appellate court. No number of such proceeding was also produced to verify if any stay was granted. The petitioner remained absent for hearing. Seemingly no stay has been granted if any proceeding registered at all. Hence there is no impediment in considering the petition.

7. However there shall be imposed appropriate conditions in order to secure the presence of the petitioner before court, in the proceedings to ensure that no prejudice to the victim for a timely disposal of the case.

8. Perused the report of objection filed by the prosecution. On perusal of the case records, it is seen that the case is at initial stage and nine witnesses are yet

to be examined which will take time for the trial and disposal of this case. Therefore, I am of the view that the life and career of the petitioner shall not be deprived for the reason of the pendency of this case. For the aforesaid reason, permission is granted and the petitioner is permitted to go abroad for a period of two years from the date of this order and dispense with the personal appearance of the petitioner before this court subject to the following conditions:-

- (1) The petitioner shall produce a photocopy of the passport duly attested by petitioner and his counsel upon receipt of the same.
- (2) In case a visa is issued to the petitioner, the petitioner shall produce a photocopy of the said visa, attested as above, prior to his actual travel abroad.
- (3) The petitioner shall file an affidavit to the effect that he shall not dispute his identity when trial goes in his absence and shall always be represented by his Lawyer and that evidence could be recorded in his absence.
- (4) The petitioner shall intimate the proposed date of his leaving India and his address abroad and he shall appear before this court as and when required by this court.
- (5) The petitioner shall not take up permanent residence in any foreign country without permission of the court.
- (6) The petitioner shall also furnish cash security of Rs. 10,000/- (Rupees Ten Thousand only) for fulfillment of the aforesaid conditions.
- (7) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One Lakh only).
- (8) The petitioner shall file an affidavit agreeing to comply with the

above conditions and further agreeing that the amount in the bond will be realised on violating of any of the above conditions.

Needless to state that, if the counsel failed to represent or appear on behalf of the petitioner, the Court will invoke Sec 228(2) of the Bharatiya Nagarik Suraksha Sanhita without further notice.

In the result, the petition stands allowed.

*(Dictated to the Confidential Assistant transcribed and typed by her corrected by me and pronounced in Open Court on this the Thursday, the 23<sup>rd</sup> day of October, 2025)*

Sd/-  
Judicial Magistrate of the First Class-II,  
Paravur