

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

**Present:- Ms. Athira Chandran, U. B.
Judicial Magistrate of the First Class**

Dated this the Monday, 18th day of May, 2026

CMP No. 7/2026 IN CC 768/2017

Petitioner/ Accused No. 2 : Afin A. S., Aged 34, S/o. Ashok Kumar,
Sreelakam, Mankonam, Puliyoorkonam P.O.,
Madavoor Village, Varkala Taluk,
Thiruvananthapuram District.
(By Adv. Remya Sajeev)

Respondent : State of Kerala represented by the Sub
Inspector of Police, Parippally Police Station
in Cr.No. 940/2017.
(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. The petitioner is the 2nd accused in CC 768/2017 (Crime No. 940/2017 of Parippally Police Station) on the file of this court, who allegedly committed offence punishable u/ss. 294(b), 341, 323, 324, 279, 427, 354A r/w 34 IPC.

2. The petitioner filed this petition submitting that he is working as an Assistant Manager in a US based company in Bangalore and he has to go to US in connection with his employment and he cannot attend before the court during 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. Perused the report of objection filed by the prosecution. On perusal of the case records, it is revealed that nine witnesses are yet to be examined which will take time for the trial and disposal of this case. Affidavit seen filed by petitioner/accused 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. 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, the personal appearance of the petitioner before this court is dispensed permanently subject to the following conditions:-

- (1) 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.
- (2) The petitioner shall not take up permanent residence in any foreign country without permission of the court.
- (3) The petitioner shall also furnish cash security of Rs. 10,000/- (Rupees Ten Thousand only) for fulfillment of the aforesaid conditions.
- (4) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One Lakh only).
- (5) 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 Monday, the 18th day of May, 2026).

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