

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, KANNUR

PRESENT : Smt. Ambili. S.,  
JUDICIAL FIRST CLASS MAGISTRATE-I.

Dated this the 09<sup>th</sup> day of March, 2022/18<sup>th</sup> day of Phalguna, 1943

**ORDER IN CMP. 1090/2022 in CC 03/2021**

Petitioner/Accused No.1 : Sharath. R., S/o Saravankumar,  
Aged 23/22, Sharanya Nivas,  
Palliyammoola, Alavil P O, Kannur.  
(By Adv. Sri. Nigil. T.)

Respondent/Complainant : SHO. Kannur Town Police Station,  
Crime No.1576/20  
(By APP Sr.Gr., Kannur)

Offence : U/s 448,427 and 506(ii) r/w 34 of IPC

Order : Petition allowed.

**ORDER**

The application is filed by the first accused under section 205 of Cr.PC to exempt him from personal appearance and permit to appear through counsel.

2. According to the petitioner he is the accused No.1 in the above case. The offence alleged against the petitioner/accused is u/s 448,427 and 506(ii) r/w 34 of IPC. The petitioner submits that he has obtained a job at Kuwait and he has to leave India in the month of March 3<sup>rd</sup> week. It is highly necessary to exempt his personal appearance before this court. Hence the petitioner seeks exemption

from personal appearance. He undertakes not to dispute his identity as the accused in this case.

3. Heard. Perused the records.

4. The offence alleged against the accused is u/s 448,427 and 506(ii) r/w 34 of IPC. Petitioner herein is on bail. The petitioner seeks exemption for his employment at Kuwait and I find no reason to disbelieve his version. In the above circumstances I find it fit and proper to allow this petition on the following conditions.

1. The petitioner shall not dispute his identity.

2. He shall file affidavit to permit his counsel to answer the charge against him and the questions u/s 313 (1)(b) of Cr.PC and that he shall ratify the answers given by the counsel.

3. He shall appear as and when directed by this court, in case of any exigency.

(Pronounced by me in open Court this the 09<sup>th</sup> day of March, 2022)

JUDICIAL FIRST CLASS MAGISTRATE-I  
KANNUR