

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II

NEDUMANGAD

Present: Akshaya.P.R., Judicial First Class Magistrate-II,
Nedumangad

Tuesday, 12th day of June, 2024

C.M.P.4621/2024

in

Crime No.139/2012 of Nedumangad Police Station

(which is now pending as CC.650/2012)

Petitioner/Accused no.6 : Rahul Raj, S/o.Rajeev,
Raj Bhavan, Vattapullil, Plavara, Nanniyodu,
Pacha.P.O.

(By Advocate Sri.P.Anil)

Counter Petitioner/
Complainant : Station House Officer, Nedumangad.

By Smt.Little Flower.A.,A.P.P.Gr.I

Offences : U/s.141,143,147,148,427 r/w.149 4 of the I.P.C.
and sec. 3(2)(e) of PDPP Act

Sentence or Order : The petition is allowed.

O D E R

1. This is a petition filed u/s.205 the Code of Criminal Procedure, 1973.

2. Brief averment in the affidavit are as follows: Petitioner herein is the sixth accused in the above mentioned case. The offence alleged against him is u/s. 141,143,147,148,427 r/w.149 4 of the I.P.C. and sec. 3(2)(e) of PDPP Act.. The petitioner is intending to go abroad in connection with job.

3. So the petitioner has filed this petition for getting permanent exemption on all the posting dates of the above mentioned case. Hence the petition.

4. Copy of the application was given to learned A.P.P. and Sub Inspector of Police, Nedumangad police station has filed a report through learned A.P.P .

5. This court heard the learned counsel for the petitioner, learned A.P.P. and perused the records.

6. Learned counsel for the petitioner submitted that the permanent exemption U/s.205 Cr.P.C is highly essential since the petitioner is intending to go abroad. Learned counsel pointed out that the petitioner will not dispute his identity during trial. Accused will abide any condition imposed by the Court and he will appear before the court as and when directed. So the learned counsel for the petitioner concluded his argument with a prayer to grant permanent exemption from appearing before the court.

7. This court considered the contentions in detail. On perusal of the record, it is

noted that the accused has filed affidavit stating that the petitioner will not dispute his identity during trial. Accused will abide any condition imposed by the Court and he will appear before the court as and when directed. Considering the above aspect, this court is of the view that the petition can be allowed and permanent exemption can be granted to the petitioner on certain conditions:

8. In the result, petition is allowed and permanent exemption is granted to the petitioner on following grounds:

(i) The petitioner shall not dispute his identity during the trial.

(ii) The petitioner shall be represented by his learned counsel during all posting dates of the case and the petitioner shall abide by the decision taken by the learned counsel.

(iii) The petitioner shall appear before the court as and when directed.

Pronounced by me in open court on this the 11th day of June, 2024.

Judicial I Class Magistrate,
Nedumangad