

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE -I,
VARKALA**

Present:-Smt. G. S. Chandana, Judicial First Class Magistrate-I, Varkala

Tuesday the 06th day of May 2025

Cr1.M.P. 4492/2025

IN

CC. 1293/2015 (Crime No. 335/2011 of Varkala Police Station)

Petitioner/Accused No : **A3** : Sadham S/o Salim Shajahan, Shejin Thaj, Edava
Desom, Edava Village

(By Advocate Sri. S. Shibu)

Respondent : State of Kerala represented by the Assistant Public
Prosecutor, JFMC – I, Varkala.

(By Assistant Public Prosecutor, Varkala).

This case coming on to this day's proceedings, this court passed the following:-

ORDER

1. This is a petition filed by the accused No. 03 under Section 317 of the Cr.PC, 1976 for getting permanent exemption from personal appearance before the court.
2. **Petition averments in brief are as follows:-** The petitioner is the 03rd accused in C.C. 1293/2015 in Crime No. 335/2011 of Varkala Police Station alleging the commission of offences punishable u/ss. 341, 323 and 324 r/w Sec.34 of Indian Penal Code, 1860. Petitioner submitted that he is working at abroad. If he is not exempted from appearance, that will cause irreparable loss and injury. He is ready to appear before the court as and when this court directs. The petitioner affirmed that he will not dispute his identity during the course of trial. He has no objection in recording his statement U/s. 313(1)(b) of Cr.PC, 1973 through his counsel. Upon the above grounds the petitioner seeks for permanent exemption from personal appearance for a period of one year.
3. Heard the petitioner's counsel and the Assistant Public Prosecutor. Learned Assistant Public Prosecutor has filed objection in allowing this petition.

4. The case is of the year 2015. However, I am granting exemption to the petitioner/accused from personal appearance before the court for a period of one year on imposing conditions for ensuring his presence before the court as and when this court directs.
5. In the result, this petition is allowed and exemption is granted to the petitioner/accused from personal attendance for a period of one year on the following strict conditions:-
 1. Petitioner shall be represented by a counsel during the entire proceedings.
 2. Petitioner shall be present in person before the court without any fail as and when this court directs.
 3. Produce the notarized copies of his passport and VISA before the court within 7 working days.
 4. Produce the complete details of the company wherein which the petitioner is going for his work including its email id, contact number and its full address along with the full details of his place of abroad there before this court within 7 working days.
 5. In case of non-compliance of any of the conditions the exemption granted will be cancelled automatically.
 6. Accused must be present at the time of pronouncement of judgment.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and revised by me and pronounced in open court on 06th day of May 2025).

Judicial First Class Magistrate-I,
Varkala.