

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

Present: Sri.Aravind.P, Judicial Magistrate of First Class-II

Dated this the Monday 06th day of April, 2026

Criminal Miscellaneous Petition No.2/2026 in S.T.No.28/2023

Petitioner/Accused :- Nami Nissam, S/o Nizamudeen,
Nami Cottage, Chilakkoor Desom,
Varkala Village, Varkala Taluk

(Bv Adv: Sri.Shibukumar)

Respondent/ Complainant :- M/s V.S.Hollowbricks represented by its
proprietor Sasankan, S/o Bhasi, V.S.Land,
Asanmukku, Palayamkunnu, Varkala.

(By Adv: Sri.Praveen.S)

This petition having been finally heard on 04.04.2026 and the Court on 06.04.2026 delivered the following:-

Order

This is a petition filed u/s 205 and 317 of the Code of Criminal Procedure, 1973.

2. **Brief averments in the petition are as follows:** The petitioner herein is the accused in the above numbered case. The offence alleged against the petitioner/accused is u/s 138 of the Negotiable Instruments Act, 1881. It is stated that the petitioner is totally innocent of the allegations levelled against him. Presently, the petitioner is working in the native place. Now he obtained a job abroad. If the petitioner is not able to join duty immediately, he will lose the job. So for that purpose, the present petition is filed for exempting the

personal appearance of the petitioner permanently. Hence the petition.

3. This court heard and perused the records.

4. The learned counsel for the petitioner submitted that the petitioner is totally innocent of the allegations levelled against him. Now he obtained a job abroad. So the learned counsel concluded his argument with a prayer to allow the petition.

5. This court considered the contentions in detail.

6. It is important to note that the petitioner has undertaken that he will not dispute his identity. Moreover, the petitioner has further undertaken that he will abide the decisions taken by his learned counsel. Moreover, he further undertook that he will appear before the court as and when directed by this court. Considering all these facts, this court is of the view that the petitioner has complied the pre-requisites for granting exemption from the personal appearance before the court. So this court is of the view that the petition can be allowed.

In the result, petition is allowed as follows:-

1. The petitioner is exempted from appearing before the court on conditions that the petitioner shall not dispute his identity, he shall be abide by the decisions taken by his learned counsel and he shall appear before the court as and when directed by this court.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in Open Court, this the 06th day of April, 2026)

Sd/-

ARAVIND.P

JUDICIAL FIRST CLASS MAGISTRATE-II

APPENDIX:- NIL

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-II

**Order in CMP No.2/2026
in ST 28/2023
Dated: 06.04.2026**