

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 325 of 2015

**JUDGMENT DATED 1.12.2014 IN SC 780/2014 OF ADDITIONAL DISTRICT & SESSIONS
COURT - III, KASARAGOD
CRIME NO. 851/2011 OF KASARAGOD POLICE STATION, KASARGOD**
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PETITIONER(S)/2ND ACCUSED:

- * **MUHAMMED JASHID P.A., AGED 21 YEARS,
S/O.MOIDU N.M., RIAYAS MANZIL, NEAR NEW BUS STAND,
NULLIPPADI, KASARAGOD. (CORRECTED AND SUBSTITUTED)**
- * **MUHAMMED JASHID P.A., S/O.P.K.ABDUL LATHEEF,
MASTER MANZIL, PALLIKKAL, 30TH MILE,
THALANKARA, KASARAGOD DISTRICT.**
- * **CORRECTED AND SUBSTITUTED AS PER ORDER DTD.24.3.2015 IN
CRL.MA.2580/15 IN CRL.MC.325/2015.**

**BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON**

RESPONDENT(S)/COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031.
(CRIME NO.851/2011 OF KASARAGOD POLICE STATION).**
- * **ADDITIONAL R2 & R3 IMPEADED.**
2. **K.BALAKRISHNAN, S/O.CHENNAYA POOJARI,
BARIRE HOUSE, T.V.STATION ROAD, ANANKOOR,
KASARAGOD.**
3. **RATHISH, S/O.RAMA POOJARI, T.V. STATION ROAD,
ANANKOOR, KASARAGOD.**
- * **ARE IMPEADED AS ADDITIONAL R2 & R3 AS PER ORDER DTD.31.3.2015 IN
CRL.MA.2710/2015 IN CRL.MA.2580.2015 IN CRL.MC.325/2015.**

R1 BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
16-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.325 of 2015

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Dated this the 16th day of July, 2015

O R D E R

Sri. Kodoth Pushparajan, learned counsel for the petitioner submits that the petitioner may be given liberty to raise all the contentions in this Crl.M.C in appropriate proceedings and to work out his remedies in accordance with law.

2. Further it is submitted by Sri.Kodoth Pushparajan, learned counsel for the petitioner that the only other limited prayer, the petitioner seeks in this Crl.M.C is as follows: Though the case was earlier included in the long pending list, the petitioner had later appeared before the court below concerned and secured bail and further that as the petitioner he is a regular student in Bangalore, it creates great hardship and difficulties to him to come to the court below even for the formal postings as it would lead to serious interruptions with his academic life at Bangalore and that this Court may direct the court below to consider and pass necessary orders for appropriate personal exemption, in case the petitioner file

necessary application in that regard before the court below concerned. Accordingly, it is ordered in the interest of justice that in case the petitioner has already secured bail, then the petitioner will be at liberty to make a necessary application through his counsel before the court below concerned pointing out the difficulties in frequent appearances and seek appropriate exemption from personal appearance from the court below, unless it is on unavoidable occasions and that until then he may be permitted to appear through his counsel. If such an application is made with necessary details in that regard, the court below shall consider the same and pass orders thereon taking into account that the petitioner is a student at Bangalore and that necessary considerations may be given by the court below to ensure that his studies are not disrupted unnecessarily.

With these observations and directions the petitioner is given liberty to work out his other remedies in accordance with law as stated above and this Crl.M.C stands finally disposed of as ordered above.

sd/-

sab

ALEXANDER THOMAS, JUDGE

