

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 400 of 2015 ()

IN CC 886/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-V, KOZHIKODE

PETITIONER(S)/ACCUSED:

**T.PASHRAF BABU AGED 55 YEARS
T.PASHRAF BABU, PARTNER, M/S.KERALA TILERY
FEROKE, KOZHIKODE, RESIDING AT SARANGA MANZIL
CHERUVANNOOR P.O., KOZHIKODE.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. ENFORCEMENT OFFICER
EMPLOYMENT PROVIDENT FUND ORGANISATION
BHAVISHYA NIDHI BHAVAN, ERANHIPPALAM, KOZHIKODE-6.**
- 2. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 400 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: TRUE COPY OF THE COMPLAINT FILED BY THE 1ST RESPONDENT
BEFORE THE JUDICIAL 1ST CLASS MAGISTRATE COURT KOZHIKODE.**

**ANNEXURE-II: TRUE COPY OF THE JUDGMENT IN CC 116/2011 OF JUDICIAL 1ST
CLASS MAGISTRATE COURT V, KOZHIKODE.**

**ANNEXURE-III: COPY OF THE MEDICAL CERTIFICATES ISSUED BY MIMS HOSPITAL,
KOZHIKODE.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.400 of 2015

Dated this the 21st day of January, 2015.

O R D E R

The petitioner herein is the accused No.3 in C.C 116/2011 before the Judicial First Class Magistrate Court – V, Kozhikode. The accused Nos. 1 and 2 appeared on summons and pleaded guilty. Accordingly, they were convicted and sentenced to pay a fine of Rs. 500/- each by the learned Magistrate. Warrant of arrest happened to be issued against the petitioner, when he remained absent in court. The case against him now stands split up and refiled as C.C No.886/2011. Now he is ready to surrender before the learned Magistrate and plead guilty. But he apprehends that the trial court will insist on personal appearance. Of course, personal appearance need not be insisted, if the accused is ready to plead guilty to the allegations. Considering the nature of the allegations, and also the fact that the others stand convicted on plead of guilty, the petitioner herein can be permitted to make appearance through counsel, and if plead of guilty is made it can be accepted by the learned Magistrate. Accordingly, the request to recall the warrant

of arrest also can be positively considered by the learned Magistrate.

With these observations, this Crl.M.C is closed.

P.UBAID,
JUDGE

sab