

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937201

Crl.MC.No. 3672 of 2015 ()

**AGAINST THE JUDGMENT IN S.C.NO.70/2015 of 1st ADDL.DISTRICT AND SESSIONS
COURT, THRISSUR
CRIME NO.1320/2014 OF KODAKARA POLICE STATION, THRISSUR**

PETITIONER(S)/PETITIONER/2ND ACCUSED:

**MAHESH, AGED 39 YEARS,
S/O.MADHAVAN, SRAMBICKAL HOUSE, PUTHUPARAMBU DESOM,
KIZHAKKE CHALAKKUDI VILLAGE, THRISSUR DISTRICT
PIN-680307.**

BY ADV. SRI.R.DIVAKARAN

RESPONDENT(S)/RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY INSPECTOR OF POLICE,
KODAKARA POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031.**

BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 3672 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1	TRUE COPY OF F.I.R. IN CRIME NO.1736/2014 OF CHALAKUDY POLICE STATION
ANNEXURE-A2	THE TRUE COPY OF THE FINAL REPORT
ANNEXURE-A3	A TRUE COPY OF JUDGMENT IN CRL.M.C.2556 OF 2015 DATED 27.5.2015
ANNEXURE-A4	A TRUE COPY OF THE PASSPORT PARTICULARS OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.3672 of 2015

Dated this the 26th day of June, 2015

O R D E R

This is a petition filed under section 482 of Code of Criminal Procedure.

2. The petitioner who is working abroad, is the second accused in S.C.No.70/2015 on the file of the 1st Additional District and Sessions Court, Thrissur. He has been charged for having committed offence punishable under Section 354 of Indian Penal Code.

3. It is submitted by the learned counsel for the petitioner that the limited prayer sought for by him in this petition is for a direction to prefer a discharge petition in absentia before the learned Sessions Court and a further direction that the same be considered notwithstanding the pendency of the warrant as against him.

4. Having regard to the facts and circumstances of the case and also the contentions raised by the petitioner, I am inclined to permit the petitioner to plead for discharge in

absentia. Accordingly, if the petitioner files an application for discharge before the court below through his counsel, the Sessions Court shall not insist on the personal appearance of the petitioner for the disposal of the above petition. Warrant, if any, pending as against the petitioner shall not be executed until the discharge petition is heard and disposed of.

The Crl.M.C.is disposed of reserving the above right of the petitioner.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge