

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Cr1.MC.No. 6664 of 2015

IN SC 532/2010 of ADDL.SESIONS COURT - III,
PATHANAMTHITTA

PETITIONER:

SUNIL KUMAR, AGED 34 YEARS,
S/O.SHASHEENDRAN, POLACHIRAYIL HOUSE,
KUTTAPPUZHA VILLAGE, MEENTHALAKKARA MURI,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.M.MANOJ KUMAR
SMT.L.SMITHARAJ

RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN-682 031.

BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 27-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Crl.MC.No. 6664 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1. COPY OF THE FINAL REPORT

ANNEXURE-A2. COPY OF THE PETITION FILED U/S.317 OF THE
ADDL. DC AND SESSION COURT NO.3, PATHANAMTHITTA.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6664 of 2015

Dated this the 27th day of October, 2015

O R D E R

The petitioner herein is the first accused in S.C No.532/2010 of the Court of Session, Pathanamthitta. The case is now being tried before the III Additional Sessions Judge, Pathanamthitta. The prosecution has gone a long way with trial, and most of the material witnesses have been examined as part of trial. When the petitioner remained absent during trial, the learned trial judge cancelled the bail and initiated the proceedings against the sureties under Section 446 of the Code of Criminal Procedure. What the petitioner practically seeks in this proceeding is exemption from personal appearance. Admittedly, the trial court has issued a warrant of arrest against him. In such a situation, he will have to surrender before the learned trial judge and make application for bail. Thereafter, his request for exemption from personal appearance will be appropriately considered by the learned trial judge. The learned counsel for the petitioner now submits that the petitioner apprehends, that if he surrenders, the learned trial judge will

remand him to judicial custody. I do not think that the learned judge will mechanically remand him to judicial custody. The petitioner's grievance is that he had been abroad, and that is why he could not make appearance before the learned trial judge. His grievance will definitely be considered by the learned trial judge. If his grievance is genuine, the question of granting bail afresh to him, on appropriate conditions, can be thought of by the learned trial judge. After he is released on bail afresh, he can very well make an application before the learned trial judge for personal exemption, if he wants exemption.

With these observations, this Crl.M.C is disposed of.

**P.UBAID
JUDGE**

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