

Kerala High Court

Sudarsana Das vs State Of Kerala on 18 March, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

CrI Rev Pet No. 790 of 2008()

1. SUDARSANA DAS, S/O.CHELLAPPAN,
... Petitioner

Vs

1. STATE OF KERALA, REP. BY PUBLIC
... Respondent

For Petitioner :SRI.T.A.UNNIKRISHNAN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice V.RAMKUMAR

Dated :18/03/2008

O R D E R

V. RAMKUMAR , J.

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CrI.R.P. No. 790 of 2008

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Dated this the 18th day of March, 2008.

ORDER

The petitioner, who is the accused in C.C. No. 188 of 2005 on the file of the Judicial First Class Magistrate-II, Nedumangad for an offence punishable under Section 420 IPC, challenges Annexure IV order dated 08.08.2007 passed by the Magistrate refusing to discharge the petitioner under Section 239 Cr.P.C.

2. In as much as the Magistrate has found a prima facie case for framing charge against the petitioner, this Court sitting in revision will be loath to interfere with the said finding of the Magistrate. The only course now open to the petitioner is to face the trial. The learned counsel for the petitioner seeks permission to claim the personal exemption. He is free to move the Magistrate for personal exemption and in case a question of identity of the petitioner does not arise and the

petitioner files an undertaking before the court below to the effect that he will not raise any question of identity, the Magistrate shall exempt him from the personal appearance during the trial of the case unless his personal appearance is found inevitable at any stage of the trial.

This Crl.R.P is disposed of as above.

V. RAMKUMAR, JUDGE.

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