

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

MONDAY, THE 31ST AUGUST 2009 / 9TH BHADRA 1931

CrI.MC.No. 2923 of 2009()

**AGAINST THE ORDER DATED 30/07/2009 IN CMP.5185/2009 IN
ST.1026/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I,
PATHANAMTHITTA**
.....

PETITIONER(S): ACCUSED:

**SARITHA MANOJ, W/O.MANOJ KUMAR.B.,
NJAVANAMTHUNDIKIZHAKKETHIL (THANETHU),
NEAR HOSTEL OF AMRITA SCHOOL,
KURAMPALA P.O., PANDALAM.**

BY ADV. SRI.S.R.SREEJITH

RESPONDENT(S):

**THE STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.AMJATH ALI

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31/08/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

P.Q.BARKATH ALI, J.

Crl.M.C.No.2923 OF 2009

Dated this the 31st day of August, 2009

JUDGMENT

This is a petition under Section 482 of Cr.P.C. filed by the accused in ST.No.1026/2007 of Judicial First Class Magistrate Court I, Pathanamthitta.

2. One K.A.Ashokan had instituted the above case against the petitioner alleging commission of an offence punishable under Section 138 of the Negotiable Instrument Act. The petitioner being a lady, she was unable to appear before the Magistrate as she is pregnant and Doctor has advised her to take rest. She filed a petition under Section 205 of Cr.P.C. for personal exemption as C.M.P.No.5185/2009. The Magistrate dismissed the same and issued non-bailable warrant against her. The said order is produced as Annexure 1 in the petition. The petitioner prays for an order setting aside that order and permit her to appear through her counsel in the said case.

3. As the petitioner is a pregnant lady, I feel that this Crl.M.C.

can be allowed.

In the result, Crl.M.C. is allowed. The petitioner is permitted to appear through her counsel in S.T.No.1026/2007 before the Judicial Magistrate of First Class I, Pathanamthitta.

**P.Q.BARKATH ALI
JUDGE**

SV.

