

Mithun Mohan vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-28-2025

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/344/2025

Appellant : Mithun Mohan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947 CRL.MC NO. 344 OF 2025 CRIME NO.1044/2014 OF Thrikkunnappuzha Police Station, Alappuzha

ORDER DATED 19.12.2024 IN SC NO.71 OF 2016 OF ADDITIONAL

DISTRICT COURT & SESSIONS COURT - III, ALAPPUZHA / III ADDITIONAL MACT, ALAPPUZHA PETITIONER/ACCUSED NO.9: MITHUN MOHAN AGED 32 YEARS S/O MOHANAKUMAR, PARUTHTHIPALLIL VEEDU, MAHADEVIVKADU P.O, KARTHIKAPPALLY VILLAGE, KARTHIKAPPALLY TALUK, ALPPUZHA DISTRICT, PIN - 690516. BY ADVS. AJITH MURALI MOHANAN M.K. RESPONDENT/STATE & COMPLAINANT: 1 STATE OF KERALA

REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031. 2 THE STATION HOUSE OFFICER THRIKUNAPUZHA POLICE STATION, THRIKUNNAPUZHA P.O., ALAPPUZHA DISTRICT, PIN - 690515. SMT.PUSHPALATHA M.K, SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 344 OF 2025 2

ORDER

The petitioner is the 9 th accused in S.C No.71 of 2016, pending on the files of the Additional Sessions Court-III, Alapuzha. The case originated from Crime No.1044 of 2014 registered at the Thrikkunnappuzha Police Station for offences punishable under Sections 143, 144, 147, 148, 341, 294(b), 323, 234 and 308 r/w 149 of the Indian Penal Code.

2. The petitioner is working as a Civil Engineer in Dubai

and is hence finding it extremely difficult to appear before the trial court. The petitioner therefore filed an application praying to dispense with his personal appearance. In his application the petitioner stated that his counsel has been authorised to plead not guilty and that the petitioner has no objection in framing charge in his absence. By the impugned Annexure-E order, the trial court dismissed the application on the premise that non-bailable warrant is pending against the petitioner.

CRL.MC NO. 344 OF 2025 3 When this matter came up for consideration earlier, an

order was passed permitting the petitioner to surrender before the

trial court and directing the court below to consider his bail application on the date of surrender. It is now informed that the petitioner surrendered in court and was granted bail. In view of the above development, Annexure-E order is set aside. The court below shall pass fresh orders on Annexure-D application within two

weeks of receipt of a copy of this order.

Sd/- V.G.ARUN JUDGE Sru CRL.MC NO. 344 OF 2025 4 APPENDIX OF CRL.MC 344/2025 PETITIONERS ANNEXURES Annexure-A A PHOTO COPY OF THE RELEVANT PAGES OF FINAL REPORT IN CRIME NO. 1044/2014 OF THRIKKUNAPUZHA POLICE STATION. Annexure-B A TRUE COPY OF PASSPORT NO.V 7746691 OF THE PETITIONER. Annexure-C A TRUE COPY OF THE VISA OF THE PETITIONER ISSUED BY THE AUTHORITIES OF UNITED ARAB EMIRATIS. Annexure-D THE TRUE COPY OF C.M.P. NO. 3730/2024 OF THE HONBLE ADDITIONAL SESSIONS JUDGE -III, ALAPPUZHA AS C.M.P. NO. 3730/2024 IN S.C.NO.71/2016. Annexure-E A TRUE COPY OF THE ORDER DATED 19.12.2024 IN C.M.P. NO. 3730/2024 OF THE ADDITIONAL SESSIONS JUDGE -III, ALAPPUZHA. Annexure-F THE TRUE COPY OF THE ORDER ISSUED BY THE

ADDITIONAL SESSIONS JUDGE -III, ALAPPUZHA IN CRL.M.P.NO.492/2025 IN S.C. NO. 71/2016 DATED 12.03.2025.

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