

IN THE COURT OF THE ADDL. SESSIONS JUDGE-I, MAVELIKARA

Present: Smt.V.G.Sreedevi, Additional Sessions Judge-I

Tuesday 31st the day of March 2026/10th Chaithram 1948

Crl.M.P.No.02/2026 in SC.No.1164/2024

(Filed on : 27.03.2026)

(CP No. 24/2024 of JFCM Court -I Mavelikara

Crime No. 160/2024 of the Mavelikara Police station)

Petitioner / 2nd Accused : Aneesh, aged 35 , S/o Sivanandan,
Aneesh Bhavanam,
Chettikulangara P.O.,
Kannamangalam North Muri,
Kannamangalam Village,
Mavelikara Taluk
(By Adv. V.Ajith Kumar)

Respondent : State of Kerala represented by
the Addl. Public Prosecutor,
Mavelikara.
*(By Adv. P.V. Santhosh Kumar,
Addl. Public Prosecutor, Mavelikara)*

This petition have been finally heard on 30.03.2026 and the court on the 31.03.2026 passed the following.

ORDER

This is a petition filed under Sec.288 of BNSS by the 2nd accused in S.C.1164/2024 for exemption from his personal appearance.

2. In the petition, it is alleged as follows:- The above case is charge-sheeted by the Mavelikara Police alleging offences punishable u/ss.353, 332, 333, 294(b), 323 and 506 r/w.34 of IPC and Sec. 117(e) of the K.P. Act.

The petitioner has not committed the offences alleged against him. He is on bail. He is employed in Dubai, and now he has to return to the said gulf country on 31.03.2026 for joining job. Hence he prayed for allowing him to leave India and during that period, his personal appearance is prayed to be dispensed. He further stated that he will not dispute his identity, and he may be permitted to appear through counsel.

3. The petition was objected by the learned Additional Public Prosecutor and he filed report through the Inspector SHO, Kayamkulam. It is reported that the petitioner along with the first accused attacked the defacto complainant, S.I. of Police, Mavelikara who was on official duty when he intervened to save the two persons who were attacked by the accused persons. If the petitioner is permitted to go abroad, he will abscond and the trial of this case will be adversely affected. Hence, the petition is only to be dismissed.

4. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

5. The only point that arises for consideration is:

Can the petitioner/2nd accused be exempted from personal appearance, as prayed for?

6. **The point:-** The petitioner is the second accused in this case. He along with the first accused alleged to have committed the offences

punishable u/ss. 353, 332, 333, 294(b), 323, 506 r/w.34 of IPC and Sec. 117(e) of the K.P. Act. As per the prosecution allegation, on 13.02.2024, at 08.45 p.m., while the defacto complainant, the Sub Inspector of Police, Mavelikara was doing his official duty, he was attacked by the accused persons when he tried to obstruct the attack of accused persons towards CWs2 and 3.

7. According to the petitioner, he is employed in Dubai and he has to join duty, for which, permission of this Court is necessary to leave the country. His further prayer is that his counsel may be allowed to appear and plead on behalf of him and thereby to exempt him from personal appearance. The petitioner has produced the copy of air ticket.

8. The learned Additional Public Prosecutor as well as the Investigating Officer apprehended that if the petitioner is allowed to leave the country, there is every chance of the petitioner being absconded, and that will affect the trial of the case.

9. The apprehension expressed by the Inspector SHO as well as the Additional Public Prosecutor appears to be reasonable. Even then, the petitioner being a man employed in Dubai, if permission is denied, his livelihood would be lost which may cause detriment to his dependents. So, considering the said fact alone, I am inclined to allow the petition on

conditions. Hence, this point is found in favour of the petitioner/second accused.

10. In the result,

The petition is allowed on the following conditions: a) The petitioner/second accused is permitted to go abroad, thereby, his personal appearance is exempted , for a period of two years from the date of this order; b)the petitioner/second accused shall furnish his phone number as well as contact address along with the complete address of the sponsor, if any, with copy of passport before this Court; c) he shall undertake that he will appear before this Court as and when required and will not cause any impediment in the smooth completion of trial; and d) he shall file an affidavit with respect to the aforesaid directions within one week from the date of receipt of this order.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 31st day of March 2026).

**Sd/-
V.G. Sreedevi
Additional Sessions Judge-I**

Appendix :Nil

**Id/-
Additional Sessions Judge-I**