

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE- II,
MAVELIKARA**

Present: Sri. Anandhu.J.B, Judicial First Class Magistrate-II.

Dated this the 10th day of February, 2025

CMP No. 398/2025 in CC.02/2022

Petitioner/ accused : A1.Jomon Jacob, aged 31, Puthan veettil
kizhakkathil, Chunakara P.O,
Mavelikara, Alappuzha
(By Adv.Anish.K)

Counter Petitioner : State represented by the S.I of Police,
Nooranad in Cr.756/21.
(By A.P.P., JFCM Court-II, Mavelikara)

Section of law : U/s. 228 of BNSS.

This petition coming on this day for consideration, the court passed the following:-

ORDER

1. Petition filed by the accused no.1 in the above case u/s 228 of BNSS. Accused is charged with offences punishable u/ss.143, 147, 148, 294(b), 323, 324, 325, 341 and 506(i) r/w 149 IPC in Crime No.756/2021 of Nooranad police station.

2. The case of the petitioner is that he wants to go abroad for a job for his livelihood. Petitioner could not attend the court on the posting days of this case. He further states that he will not dispute his identity before the Court and he is ready to appear before the court as and when called for and he is to be permitted to be represented by his counsel in his examination u/s 351 BNS also. Therefore, he seeks exemption from personal appearance before the court. Petitioner produced copy of his passport, entry visa and Aadhar card before the court.

3. Copy Served to the APP. No objection seen filed.

4. Heard the counsel for the petitioner and perused the records.

5. The allegations levelled against the petitioner are u/ss.143, 147, 148, 294(b), 323, 324, 325, 341 and 506(i) r/w 149 IPC. This case is of the year 2022. Now, charge was framed, read over and explained to the accused. The prosecution evidence has not commenced. There are 8 witnesses are to be examined for the completion of the trial. Hence, the trial of the case could not be completed in the near future. From the affidavit, it is satisfied that if the petitioner is not exempted, it will cause great prejudice to him. The petitioner also undertakes that he will not dispute his identity in trial. Hence, I am of the view that this petition can be allowed.

In the result, petition is allowed as follows:-

1. The petitioner is exempted from personal appearance for a period of one year.
2. The petitioner shall file an affidavit stating that he will not take a plea that the evidence is recorded in his absence.
3. The petitioner shall file an affidavit stating that he will not dispute his identity even when the evidence is recorded in his absence.
4. He shall furnish his address in which he working abroad.
5. The petitioner shall be represented by his counsel during the trial in his absence.
6. The petitioner shall appear before the court as and when directed.

(Dictated to the Confidential Assistant, data entered by her, corrected and pronounced by me in open court on this the 10th day of February, 2025)

Judicial First Class Magistrate-II,
Mavelikara.