

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS
KAYAMKULAM**

Present:-Smt. Aiswaryarani Judicial Magistrate of the I Class
Dated this 27th day of March , 2026.

CMP. 5/26 in CC. 900/2023

Petitioner Accused : Shamnad, Aged 35 years, S/o. Ashraf,
Rasheeda Manzil, Pullikanakku P O,
Kayamkulam Village, Karthikapalli
Taluk.
(By Adv. U Jabbarkutty)

Counter Petitioner/Complainant: State represented by Sub Inspector of
Police, Kayamkulam
(By Sri. Arun P, A.P.P. Sr. Grade,
Kayamkulam)

Offence : Sec.498 A of Indian Penal
Code, 1860

This petition having been heard on 26.03.26 and the court delivered the following on the same 27.03.26

ORDER

Petition for exemption from personal appearance and permission to go broad

1. The petitioner is the accused in CC 900/2023 filed charging offences punishable under Sections 498 A of the Indian Penal Code, 1860. The petitioner has to go abroad in connection with his job, he cannot attend the court all posting dates. Hence this petition.
2. The learned Assistant Public Prosecutor submitted only formal objection to the petition.
3. Heard both sides.
4. The following points arise for consideration:-
 1. Whether the petition is liable to be allowed?
 2. What is the order?
5. **Point No. 1:-** The petitioner has produced the copy of his passport to support the petition. On perusal of the same, it can be seen that the petitioner is holding a valid passport and employed abroad. Petitioner is the sole bread winner of the family. Hence Undue hardship will be caused to him if he did not join in his job.

7. The case has just progressed to the evidence stage. It can be reasonably apprehended that a substantial period will lapse before the conclusion of the trial. It is not in the interest of justice to insist the physical presence of the accused jeopardising his job and thus his livelihood.

8. In these circumstances, I find that the petition can be allowed. This point is answered in favour of the petitioner.

9. Point No. 2:- In light of the findings in point no. 1 the petition is allowed as follows:-

1. The petitioner shall furnish five self-addressed stamped envelopes in his foreign residence address for service of summons.
2. The petitioner shall undertake in writing that the service of summons to the said address shall be deemed to be proper service of summons and to intimate this court any change in his foreign residence address.
3. The petitioner shall be represented by his duly authorised counsel on all posting dates.
4. He shall not challenge the evidence taken in his absence on the ground of his absence
5. The petitioner shall not dispute his identity.
6. The petitioner shall appear before the court as and when the court so requires.
7. The pendency of this case shall not be an impediment for the petitioner to travel abroad for a period of two years.

10. In the result, the petition is allowed on the above mentioned conditions.

(Dictated to the Confidential Assistant transcribed and typed by her corrected and pronounced by me in the open Court on 27th day of March, 2026)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE