

**IN THE COURT OF THE SPECIAL JUDGE SPE/CBI – II,  
ERNAKULAM**

**Present:-**

**Shri. Kamanees K, Special Judge (SPE/CBI)-II**  
Friday, the 4<sup>th</sup> day of August, 2023 / 13<sup>th</sup> Sravana, 1945

**Crl.M.P. No. 371/2023**

**in**

**C.C No. 02 / 2012**

**Petitioner / Accused No.31:-**

Sayyed Riyan, aged 41 years,  
S/o. Sayyad Abidin,  
now residing at Abideen Cottage (House No. V/660),  
Near Mannamkuzhi Maidan,  
Uppala P.O., Kasaragod District.

**Respondent / Complainant :-**

State of Kerala represented by CBI/ACB, Cochin.

By Sri. Bobby Joseph Y, Public Prosecutor, CBI

This petition having been heard on 04/08/2023 and the Court on the same day passed the following:-

**ORDER**

1) The accused Sri. Sayyed Riyan seeks exemption from appearing physically u/Section 205 Cr.PC- principally on the ground that his occupation is that of a sailor chef bound for sailing in the high seas . According to him, he has instructed his lawyers to appear on his behalf in

order to answer the charge, face the trial and questioning under Section 313 Cr.PC According to him, his income as a seafarer is inevitable for him to support himself and his family. He holds necessary documents for the proposed voyages.

2) Prosecutor objects to the same setting out the prosecution case against the accused, and that he had been on a Non Bailable Warrant after canceling his bail. His presence during the trial is crucial to the prosecution.

3) From the facts presented, in the form of the affidavit as well as copies of records, it is now brought out that the accused is a sailor by profession. Even while an exemption is granted under Section 205 Cr.PC the same shall not go to hold an absolute exemption that he need not appear in any case. The same is already subject to a condition that the accused shall render his physical appearance without fail on specifically being called for. This will cater the reservations to express by the prosecutor in the form of his objection.

4) In paragraph 7 of the affidavit filed in support of the petition, he has undertaken that he does not dispute his identity during the impending trial and shall be present as and when specifically called for.

5) For these reasons, the petition is allowed. The accused Sri. Sayyed Riyan is exempted from personal appearance on specific condition that he shall be present physically as and when he is specifically directed by this court.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 4<sup>th</sup> day of August, 2023.

Sd/-  
Kamanees K.  
Special Judge (SPE/CBI)-II

APPENDIX:-NIL

Id/-  
Special Judge (SPE/CBI)-II

// True copy //

(By Order)

Sheristadar

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**Order in**  
**CrI.M.P No. 371/2023**  
**in**  
**C.C No. 02/2012**  
**Dated 04/08/2023**