

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

Present: Smt. Anju Cletus., Judicial Magistrate of First Class

Dated this the 26th day of March, 2026

CMP. No. 01/2026 IN CC 338/2024

Petitioner/ Accused : Ajul Anwar, aged 29 years, S/o Anwar K.A,
Kandamangalam House, 44-2798 C, Kairali
Street, Deshabhimani Road, Kaloore S.O,
Ernakulam.

(By Adv. V.S Mansoor)

Respondent/Complainant : State represented by Sub Inspector of Police,
Elamakkara (Crime 755/2022)

(By, APP, JFCMC-II, Aluva)

The CMP coming today for a hearing, the court passed the following:

ORDER

This petition is filed by the petitioner/accused u/s.228 of BNSS, 2023 to exempt him permanently from appearing personally before this court and allow him to conduct the court proceedings through his counsel.

2. The petitioner submitted in brief as follows:

The petitioner is the accused in the above case. The offence alleged against him are punishable u/ss. 341, 323, 354, 354A(1)(i), 294(b) & 509 of IPC. It is submitted that the petitioner has been presently employed in the United Kingdom as a Team Manager with the company "Booker" and his current employment contract is valid till 14.09.2029. He has produced the copy of offer letter from "Booker" and the pay slip for the period from 26.10.2025 to 22.11.2025. His continued presence in the U.K is essential to retain his employment. He is the sole bread winner of the family. As the petitioner wants to work abroad he is not in a position to appear before this court on all posting days. He is ready to appear before the court as and when directed by this court. Further he is not disputing his identity for the proceedings before the court. He further submits that he may also be permitted to record plea and 313 examination through his counsel. Hence this petition.

3. Copy was served to the complainant. Complainant raised formal objection in allowing this application.

4. Heard the matter and perused the materials on record. The petitioner undertakes to appear before the court either personally or through his pleader on all posting dates. The petitioner seeks permission to exempt him from personal appearance as he is working abroad. The present case is of the year 2022. The petitioner has undertaken to co-operate with the case proceedings and appear before the court as and when directed by the court. Hence this court is of the view that the petitioner's prayer shall be considered favourably.

In the result, this petition is allowed as follows: The petitioner/accused in CC 338/2024 is exempted from personally appearing before this court subject to the following conditions

1. The petitioner shall be represented by his counsel on all posting days of the case before this court.
2. The petitioner shall be personally present before the court whenever his personal appearance is insisted by the court.
3. The petitioner shall file an affidavit stating that he shall raise no dispute with respect to his identification in any evidence recorded in his absence.

Pronounced by me in Open Court this the 26th day of March, 2026

sd/-

Judicial Magistrate of First Class-II, Aluva