

**IN THE COURT OF THE ADDITIONAL SPECIAL SESSIONS JUDGE,
(SPE/CBI)-III, ERNAKULAM**

Present :-

SRI.SABARINATHAN. P, SPECIAL JUDGE.

Friday, the 16th day of May, 2025/26th Vaisakha, 1947.

Crl. M.P. No. 363/2025

in

S C No. 421/2020

Petitioner/Accused No.18 : Naveen. N.P, S/o. Narayanan,
aged 38 years, Naduvilepurayil,
Kannapuram Amsom, Keezhara,
Kannur Taluk, Kannur District.

Represented by : Advs. Nicholas Joseph and
Muhammed Shaheel.B.

Respondent/Complainant : The Central Bureau of Investigation,
Special Crime Branch,
Thiruvananthapuram.

Represented by : Sri. M. Navas,
Senior Public Prosecutor.

This petition is coming on for hearing on 16th day of May, 2025 in the presence of Counsel on both sides having stood over for consideration on the same day the Court passed the following:

ORDER

This is an application filed by the accused No. 18, claiming exemption from personal appearance.

2. The petitioner is alleged with offence punishable under sections 143, 147, 148, 447, 341, 450, 294(b), 506(i), 364, 323, 324, 307, 302, 109, 201, 120B and 118 r/w. 149 IPC. Charge has already been framed against the accused and examination of witnesses in this case has been started on 05.05.2025. According to the petitioner, PW1 has already identified him from the dock. The petitioner was not arrested during investigation and he surrendered before the JFCM Court -I, Kannur after laying of final report. He is working abroad since 2010 and he appeared before this Court for the purpose of trial by availing fifteen days leave. He has to report for duty on 18.5.2025 and as such he claims exemption from personal appearance. He undertake that he will not dispute his identity during trial and he has authorized his counsel Sri. Nicholas Joseph and Muhammed Shaheel to represent him before Court. He has filed separate affidavit along with this application. Therefore, he prays to grant exemption from personal appearance for the time being.

3. Notice in this application has been given to the Public Prosecutor and he has filed counter opposing the application. It is contended

that CW.2 has also to identify the petitioner herein/A18 and if he has no dispute regarding his identity, this Court can pass appropriate orders, regarding personal exemption.

4. Both sides were heard and perused the available records.

5. Now the point that arises for consideration is as follows :-

Whether there is sufficient ground to grant personal exemption to the petitioner/A18 as prayed for by him?

6. **The Point:-** The learned counsel appearing for the petitioner/A18 submitted that the petitioner's family is solely depending on the petitioner for their livelihood and if the petitioner is not granted exemption from personal appearance, the petitioner and his family members will be put to irreparable hardship. Moreover, CW.2 has not stated the name of petitioner/A18 before the investigating officer. However, the petitioner has no dispute regarding his identity and a separate affidavit has been filed by him stating the same. The learned Public Prosecutor, at the time of hearing fairly conceded that, as the petitioner has no dispute regarding his identity, this Court can pass appropriate orders, regarding personal exemption.

7. I have considered the submissions made by either side. I am satisfied that personal exemption can be granted to the petitioner/A18 for the

time being, as he has no dispute regarding his identity. Moreover, as stated earlier, he has filed a separate affidavit in that regard. He shall appear before Court in person, as and when his personal presence is essential during the trial of this case. Hence, I am inclined to allow this application. Point answered accordingly.

In the result, this application is allowed and exemption is granted to the petitioner/A18 from personal appearance for the time being, as he has no dispute regarding his identity. He shall appear before Court in person, as and when his personal presence is essential during the trial of this case.

Dictated to the Confidential Assistant, transcribed and prepared by her in computer, corrected by me and pronounced in open Court on this the 16th day of May, 2025.

Sd/-
Sabarinathan. P
Special Judge, (SPE/CBI) – III
Ernakulam

Appendix:- Nil.

Sd/-
Special Judge, (SPE/CBI)-III

Typed by:-
Compd by:-

Order

in

CrI. M.P 363/25

in

SC 421/2020

Dated 16.05.2025