

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-III,
N.PARAVUR

Present:- Smt. Sanitha.M.C, Judicial First Class Magistrate

Tuesday, the 2nd day of December, 2025/ 11th Margashirhsam, 1947

Crl.M.P No.4619/2025 in CC 247/2025

Petitioner/Accused : Joyal, aged 22 years, S/o Joby, Panjikkaran House, Elanthikkara, Puthenvelikkara.p.O, Pin-683594, North Paravur.
(By Adv. T.I.Safdarshah)

Respondent/Complainant : State of Kerala represented by Sub Inspector of Police, Puthenvelikkara through Assistant Public Prosecutor, JFCMC-III, N.Paravur,
(By Smt.Chitra Kesavan APP-Gr-II, JFCMC-III, North Paravur.)

The petition coming on this day for hearing, the court passed the following :-

ORDER

This is a petition filed by counsel for accused for exemption from personal appearance under Section 228 of Bharatiya Nagarik Suraksha Sanhita.

2. Accused in the above case is the petitioner herein. The offence alleged is under Section 318(4), 296(b), 351(2) BNS. It is submitted that the petitioner/accused has no job. His mother works to make a living. Now his mother is ill, he can only support his family, if he gets a job. He had found a job as a mechanic in Dubai through his mother's friends. Due to the pendency of this case, he is not able to go abroad for the job. He wants to go Dubai from 2025 December till 2026, December. He is ready to undertake the conditions prescribed by this Hon'ble court. He submitted affidavit that he will not challenge his identity during the trial of this case. Hence, this petition.

3. Copy served to learned APP. Inspector of police, Puthenvelikkara police

station filed report stating that if the petition is allowed there will be delay in the trial of this case. It is also contended that it would be difficult for the prosecution to secure the presence of the accused and it would adversely affect the trial of the case.

4. Heard both sides.

5. Point for consideration

Whether the petition is allowable?

6. **The point** :-

The petitioner is the accused in this case. The offence alleged against accused is under section 318(4), 296(b), 351(2) BNS. It is settled law that if sufficient reason is made out there is no bar in allowing the accused exemption from appearance in court. It is submitted that the petitioner/accused has no job. His mother works to make a living. Now his mother is ill, he can support his family, if he gets a job. The petitioner wants to go to Dubai from 2025 December till 2026, December. The accused is on bail in this case, Charge is framed. Summons issued against CW1. As the accused filed affidavit that he will not challenge his identity during trial of this case and he will be represented his counsel throughout the trial, I am of the view that the petition can be allowed on compliance of following conditions:-

1. The petitioner herein will stand exempted from her personal appearance from 2nd December 2025 till 31st December 2026 and will be permitted to appear through the counsel during that period.

2. The petitioner shall be represented by the counsel on all posting dates and all proceedings taken by this court in his absence will be binding upon him.

3. The petitioner shall produce original and true attested copy of his passport and visa, before she goes abroad.

4. Petitioner shall furnish the address of the place at which he intends to reside while he is abroad and also his contact number before this court, before he leaves the country.

4. The power of this court to insist his personal appearance at any stage, whenever this court feels it essential for the further progress of the proceedings is retained.
5. The pleader shall file a special vakkalath as per Rule 33 of Criminal Rules of Practice, Kerala 1982.
6. On violating any of the above conditions, this order stands automatically vacated.

(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court on this the 2nd day of December, 2025)

Sd/-
Judicial First Class Magistrate III,
N.Paravur

//True copy//

Judicial First Class Magistrate III,
N.Paravur