

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS-I**  
**HOSDURG**

Present: Sri. Abdul Rasik.C, Judicial First Class Magistrate-I, Hosdurg

Dated this the 2<sup>nd</sup> day of June, 2026/ 12<sup>th</sup> day of Jyaishta, 1947

**Crl. M P No. 04/2026 in Calendar Case No. 953/2025 in Crime No.**  
**37/2025 of Chandra Police Station**

Petitioner/Accused No. 10 : Muhammed Kunhi Haji.M.T.P, Aged 60 years,  
S/o Sulaiman Haji.T.M, TMS House,  
Near Munavir Madrassa, Beericheri,  
South Trikaripur, Hosdurg Taluk  
(Represented by Adv. Jayanarayanan.P.K, Payyannur)

Complainant : S.H.O, Chandra Police Station

This petition coming on this day for hearing and the Court passed the following:

**O R D E R**

This is a petition filed u/s. 228 of BNSS for and on behalf of the accused.

2. **Brief of the petition:-** Petitioner is the accused No. 10 in the above case. The petitioner submits that he is working at Malaysia. Hence, it is not possible for him to appear before this Court on all posting dates. It is prayed that the accused may be exempted from his personal appearance before the Court. Hence, the petition.

3. S.H.O filed report opposing application.

4. Heard both sides. Perused the entire records.

5. The following points were raised for consideration.

1) Whether the petition is to be allowed?

2) Reliefs and costs?

6. **Points No. 1 and 2:-** It is well settled that the personal appearance of the accused in a criminal trial is the normal rule and exempting from personal appearance is an exception which can be resorted to in suitable

cases by due exercise of judicial discretion. It is equally settled that the criminal Court should not be unduly strict and harsh in the matter of securing personal attendance of the accused in criminal proceedings and that they should normally adopt a liberal and human approach in the matter of granting exemption from personal attendance when so requested. The purpose of the attendance of the accused is that the trial be allowed to be conducted in an expedient manner and is not hampered or prejudiced in the absence of the accused.

7. The case is of the year 2025. This Court feels that it may consume much time for final disposal of the case. This Court is of the view that trial in the case can be conveniently held in the absence of the accused. Considering the facts and circumstances of the case, it would be just and expedient to exercise the discretion in favour of the accused and dispense with his personal attendance in the case.

**In the result**, the petition is allowed and the petitioner/accused No. 10 stands exempted from his personal appearance and will be permitted to appear through the counsel until otherwise directed by the Court subject to the following conditions:-

- 1. He shall appear through the counsel on all posting dates.*
- 2. All proceedings taken by the Court in his absence will be binding on his and he will not be entitled to challenge it on the mere ground of his absence before this Court.*
- 3. He shall not raise any objection regarding his identity.*
- 4. He shall appear before the Court as and when required by the Court.*

(Pronounced by me in open court, this the 2<sup>nd</sup> day of June, 2026)

Sd/-  
Judicial First Class Magistrate-I  
Hosdurg

//True copy//

Judicial First Class Magistrate-I  
Hosdurg