

**IN THE COURT OF SPECIAL JUDICIAL FIRST CLASS MAGISTRATE**  
**(MARAD CASES), KOZHIKODE**

*Present: Sri. K S Akshay Mohan, Special Judicial First Class Magistrate*  
*(Marad Cases), Kozhikode*

Dated this 18<sup>th</sup> day of April, 2026

**CMP No. 6 of 2026 in CC No 31 of 2022**

Petitioner/Accused No.2 : Ahammed Farhan, aged 27 years,  
S/o Zakeena P,  
Thazhathu Veetil House, Vaidyarangadi (PO),  
Near RHSS Ramanattukara, Kozhikode.  
(By Adv. Stephy Joshy C)

Respondent/Complainant : State of Kerala, Rep. by SHO,  
Feroke Police Station, Kozhikode in Crime  
No.102/2021.  
(By Smt.Ayswarya K G APP, Grade-II)

Offence : U/s. 341, 323, 294(b) r/w 34 of IPC  
Order : Allowed.

This petition having coming for hearing before this court on the 17<sup>th</sup> day of April, 2026 and the court on this the 18<sup>th</sup> day of April, 2026 passed the following:

**ORDER**

Petition filed by the accused no.2 to exempt him from personal appearance.

1. **The petition averments in brief is as follows:-** This case has arisen from a final report filed alleging commission of offence punishable under Sections

341, 323, 294(b) r/w 34 of IPC (hereinafter referred to as 'IPC' for brevity). The petitioner is seeking job in Dubai and it is required for him to reside abroad which would disable him from appearing before this court on all posting dates. If appearance is insisted, the same would cause undue hardships to the petitioner. The petitioner also undertakes that he would not raise any dispute of his identity in this case. He also submits that he would not be prejudiced if this court proceeds with the trial in his absence. Hence, the petitioner seeks to exempt him from personal appearance during evidence and also during his examination U/s 313(1)(b) of CrPC.

2. Copy was served to the learned Assistant Public Prosecutor. No report was filed. Learned APP only raised the formal objection.
3. Heard both sides. Perused the records.
4. **Following points arose for consideration:**
  - (i) Whether the petition is allowable?
  - (ii) What is the order?
5. **Point No. (i)** – The learned counsel for the petitioner submitted that the petitioner is seeking job in Dubai. Photocopy of the passport of the petitioner is seen produced. Considering the averments and the arguments advanced that the petitioner is only seeking his job in Dubai, this court is of the finding that presence can be exempted for a period of 2 years especially considering the fact that the petitioner has undertaken to not raise any dispute of his identity in this case. Moreover the petitioner has undertaken that no prejudice will be caused if this court proceeds with the trial in his absence.

6. Hence this court is of the finding that, personal appearance of the accused can be exempted for a period of 2 years. Hence this point is answered in favour of the petitioner.
7. **Point no. 'ii'**: In the light of the foregoing discussions, the petition is allowed.

**In the result**, the petition is allowed as follows:

- (1) The personal appearance of the petitioner/accused no.2 is exempted during prosecution evidence for a period of 2 years.
- (2) It is made clear that the petitioner is at liberty to seek extension of the period of exemption of 2 years as aforesaid on the expiry of the same citing adequate reasons.
- (3) The petitioner or his counsel is at liberty to take steps for examination of the accused u/s 313(1)(b) of CrPC through his counsel at relevant stage of the case.
- (4) The petitioners shall not raise the dispute of identity.
- (5) The petitioners shall appear before this court as and when directed.
- (6) As conceded by the accused, no prejudice will be caused to them if evidence is adduced in their absence through their counsel concerned.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, on this the 18<sup>th</sup> day of April, 2026)

**Special Judicial First Class Magistrate  
(Marad cases), Kozhikode.**