

IN THE COURT OF SESSION, THALASSERY

Present :- Smt. Ruby K Jose, Addl. Sessions Judge-III
Friday, the 6th day of February, 2026/16th Magha, 1947.

CrI.M.P. No.2/2026 in S.C No.354/2025
(Crime No.1207/24 of Thalassery Police Station)

Petitioner/Accused:

Sajeer.P.C., Ammed.P.C., Aged 28 years, Pannikodan
(Panniyodan) House, Thettamala(PO), Wayanad District.

V/s.

Respondent/Complainant:

State (SHO, Thalassery PS), Represented by Public
Prosecutor, Thalassery.

Petition to dispense with his personal appearance before this court.

This petition coming on this day for hearing before me in the presence of Sri.K.Viswan, Advocate for the petitioner/accused and the Addl. Public Prosecutor for the State/Respondent and having stood over for consideration till this day, the court passed the following:

ORDER

The above application has been filed by petitioner/accused above case to dispense with his personal appearance before this court and permit his counsel to answer to the charge and Sec.351 BNSS questioning and to represent on behalf of the petitioner.

2. The above case has been charge sheeted against the petitioner and other accused alleging commission of offences punishable u/ss. 329(4) and 326(g) of BNS.

3. The case of the petitioner is that he is the accused in SC 354/2025. According to the petitioner, he has got an employment at Dubai in areal estate company, Fesco Builders, Sheikh Zahid Road, Dubai. He has to join employment on or before 07.02.2026. He has valid passport in his name. He is the sole breadwinner of his family. If he lost his job permanently, his entire family would be thrown into starvation. The petitioner authorised his counsel Sri. K.Viswan, Advocate Thalassery to appear and to conduct the case on behalf of him. He undertakes that his counsel may be permitted to answer at the time of framing charge and 351 BNSS questioning. He undertakes that he is ready to appear before this court as and when so directed and he also undertakes that he will not dispute his identity. Therefore, the petitioner prays to dispense with his personal appearance before court.

4. The Station House Officer, Thalassery Police Station has filed report opposing the application.

5. Heard Both Sides.

6. In the decision reported in **Muhammed vs. State of Kerala (2012 (4) KLT 655)**, the Hon'ble High Court of Kerala held that by virtue of notification No.G.S.R.570(E) dated 25.08.1993, a person against whom criminal proceedings are pending in a criminal court in India, can leave India on the basis of a travel document issued by the

competent authorities. Issue of such travel document should be subject to the conditions fixed by the court.

7. This court considered the rival submissions advanced by the learned counsel for the petitioner and the learned Addl. Public Prosecutor. The petitioner is arrayed as accused in SC 453/2025. The investigation of the case is completed and final report is filed before court. Considering the heavy pendency of the cases before this court, it is likely that commencement of trial of the case will take some more time. In the said situation, this court satisfied that permission can be granted to the petitioner to dispense with the personal appearance before this court for two years on stringent conditions.

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

1. The petitioner is exempted from personal appearance before this court for a period of two years.
2. The petitioner shall file affidavit before leaving India showing his residential address abroad.
3. The petitioner shall appear before court in person as and when so directed by this court without fail.
4. The petitioner shall give an undertaking that he would not dispute his identity.
5. The petitioner shall file an undertaking that his counsel shall appear before the Court on his behalf, and that he has

no objection to the framing of charge, recording of evidence, and questioning under Section 351 of the BNSS being conducted in his absence, treating the presence of his counsel as his presence.

(Dictated to the Confidential Assistant. typed by her directly into the computer, corrected and pronounced by me in open Court, on this the 6th day of February 2026).

ADDL. SESSIONS JUDGE-III

PM.

Fair/Copy of order in
CMP No.3/2026
in S.C.No.354/2025.

Dated: 06-02-2026.