

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR**

Present: Kum. Lakshmipriya. T. K.,
Judicial First Class Magistrate.

Saturday, the 16th day of May, 2026/26th day of Vaisakha, 1948

C.M.P.06/2026 in CC 67/2026

Petitioner/Accused No.3 : Gireesh N., S/o Leela,
Aged 51/24, Nadayil
House, Kanayi, Korom
amsom, Payyannur.

(By Adv. Sri. P. T. Prashanthkumar)

Respondent/Complainant : The SHO Payyannur police
station, Crime No.1182/2025

(By APP Grade-I, Payyannur)

Order : The petition is allowed.

This petition came up for consideration during today's proceedings and the court passed the following:

O R D E R

1. This is an application filed by the accused to getting permission for him from this court to go abroad. The offence alleged against the accused is u/s 85 of BNS.

2. The petitioner submitted that he is the 3rd accused in the above case. The petitioner submitted that he is working at Abhudabi and he came on leave last month. The petitioner has to join for his job at Abudhabi

immediately other wise irreparable loss and hardship will be caused to him. The petitioner/accused submitted that this application is for getting permission for him from this court to go abroad for his job purpose. Hence this petition.

3. Copy given to the Asst. Public Prosecutor. The learned Asst. Public Prosecutor opposed the application by stating that if the permission is granted to the petitioner/accused, he may go to gulf and same will cause delay to the trial proceedings in this case. Hence this application is liable to be dismissed.

4. Heard both sides.

5. On perusal of records, it would go to show that the offences alleged against the accused is u/s 85 of BNS. The petitioner/accused undertakes to abide with any conditions imposed by this court and also he will not dispute his identity during the trial of the case. The only concern of this court is that trial should not be delayed. At the very same time this court cannot overlook the intention of this petitioner/ accused No.3 is to go abroad for his job purpose. Petitioner/accused is on bail and charge has been framed. The case is of the year 2026 and the trial has not been started. Considering the undertaking given by the accused that he will not dispute the identity during the trial of the case, this accused/petitioner is permitted to go abroad for a period of two years. Hence, I am of the view that application can be allowed on following conditions.

1. The accused No.3/petitioner is permitted to go abroad for a period of two years.
2. The petitioner/accused No.3 shall appear for answering to the questions u/s 313 Cr.P.C and on the date of pronouncing judgment.
3. The petitioner shall be represented by his counsel on all posting dates of this case.
4. The petitioner shall not raise objection before the court that evidence was recorded in his absence and hence prejudice is caused to him.
5. The petitioner shall appear before the court as and when directed by this court if the circumstances warrant.

(Pronounced by me, in open court this on the 16th day of May, 2026.)

Sd/-
Judicial First Class Magistrate,
Payyannur.

//True copy//

Judicial First Class Magistrate,
Payyannur.