

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE – I,
TIRUR**

Present:- Smt.Sreeja. J., Judicial First Class Magistrate – I, Tirur

Tuesday, the 16th day of September, 2025

CMP 4250/2025

in

Valanchery Police Station Cr. No. 125/2025 (CC 408/2025)

Petitioner : Ameer Ali, Aged 41/25,
S/o. Kunjalankutty, Palakkal Veettil (H),
Mavandiyoor, Edayoor North (P.O),
Malappuram
(Rep. by Adv. K.H Arshad Ayyoob)

Respondent : State, represented by the Sub Inspector of
Police, Valanchery Police Station in Crime
No. 125/2025.
(Rep. By Meenu V.S., APP, Tirur)

Order : Allowed

This petition having been finally heard on 15.09.2025 and the court on 16.09.2025 passed the following.

ORDER

This is a petition filed by the counsel for petitioner/accused under section 228 of the Bharatiya Nagarik Suraksha Sanhita for exemption from personal appearance before court. Petitioner is the accused in the above crime. The final report was filed by Sub Inspector of Police, Valanchery Police Station against the petitioner for the commission of offences punishable u/s. 118(1),296(b),351(1),324(4) of BNS.

2. Petitioner appeared before the Court and was furnished on bail.

3. According to the petitioner/accused, he is not able to appear personally before this court on every posting date since he is going abroad for employment purpose. So, he is seeking exemption from personal appearance before this Court. Documents are produced before Court showing that he is going abroad. He also

stated that he will not dispute his identity at any stage of the case. Law is well settled that the personal appearance is an exemption which can be resorted to in suitable cases by due exercise of Judicial discretion. I find that no useful purpose would be served insisting upon the personal appearance of the accused and the progress of the trial would not be hampered in any manner due to such absence.

4. No report has been filed by prosecution.

5. As the accused/petitioner has to go abroad for the purpose of his job he may not be able to appear in all posting dates before the court. The case is of the year 2025 and charge was framed against him. Considering the submission made by the learned Counsel for the petitioner and taking into account the averments made in the petition and the provision under section 228 of the BNSS, keeping in the view the nature of accusation made in the case, I am of the view that, it is a fit case where the personal attendance of the petitioner should be dispensed with. So, for the interest of justice, I am of the view that permission can be granted to the petitioner to exempt him from personal appearance before this court, for a period of 3 years.

In the result, petition is allowed subject to following conditions:-

1. Petitioner is exempted from personal appearance before this Court for 3 years.
2. He shall be represented through his counsel in all postings dates.
3. He shall not dispute his identity at any stage of the case.
4. He shall appear before the court at any time as the court may specifically direct.
5. Learned Counsel for the petitioner is permitted to answer examination u/s. 351 (1)(b) of BNSS.

(Pronounced by me in open Court this the 16th day of September, 2025)

Sd/-

Judicial First Class Magistrate – I,
Tirur

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Judicial First Class Magistrate – I,
Tirur