

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I,
ALATHUR.**

Present:- Sri. Induchoodan. A.,
Judicial First Class Magistrate.

Thursday, this the 30th day of October, 2025.
8th day of Karthika, 1947 (S.E)

Criminal Miscellaneous Petition No. 2906/2025 in Calendar Case No. 305/2025.

A1. Tony Mon George, Aged: 36/2025 years, } Petitioner/Accused No. 1
S/o. George, Adakkanatt House, }
UBS Garden, Thenidukku, }
Vadakkanchery, Palakkad. } (BY Adv. Sri. Jacob Mathew)

vs.

State Rep. By the Station House Officer, } Respondent
Vadakkanchery Police Station } (BY Sri. Hari Kishan P.R, A.P.P Gr.II,
In Crime No. 234/2025. } Alathur)

Order } CMP is allowed in part.

This case is coming on for today's proceedings, the court passed the following:

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ORDER

This is an application filed u/s.228 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for and on behalf of the accused for an exemption from personal appearance.

2. Petitioner is the first accused in the above case. The accused in this case are alleged to have committed the offence punishable u/s. 85 of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioner/accused No.1 submitted that the petitioner has to go abroad for business purposes. It is stated in the affidavit sworn by the accused that he will not dispute his identity during the trial, and he has no objection in examining the witness in his absence.

4. The settled legal position is that the criminal court should not be unduly strict and harsh in the matter of securing the 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.

5. Considering the facts and circumstances of the case, I feel that it may consume much time for the final disposal of the case. I am of the view that the trial in the case can be conveniently held in the absence of the accused. Therefore, it should be just and expedient to exercise discretion in favour of the accused and dispense with his personal attendance in the case.

6. Hence, I am inclined to allow the application in part, subject to the following conditions:-

1. Exemption from personal appearance to the petitioner/accused No.1 is granted for a period of one year.
2. The petitioner shall file an affidavit stating that he will not dispute his identity during the trial.
3. The petitioner shall appear before the court as and when he is directed to do so.

Pronounced by me in open Court on this the 30th day of October, 2025.

sd/-
Judicial First Class Magistrate - I,
Alathur.

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