

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE OF
CHALAKUDY

Present: - Smt.Savitha V.S, Judicial First Class Magistrate

Dated this the 12th day of May 2026/ 22nd Vaisakha 1948 SE

CrI.M.P No.2 OF 2026 in C.C.435 OF 2021

in

Crime No.66/2021 of Vellikulangara Police Station

Petitioner /Accused : Delvin Davis, aged 25, S/o Davis, Theethayi house,
Vayalathra desom, Kuttichira Village, Chalakudy
Taluk.
By Adv.Sri.Roger Vargheese

Respondent/Complainant : State of Kerala rep by the Sub Inspector of Police
Vellikulangara Police Station.
By APP, Senior Grade, Chalakudy

ORDER

This is a petition filed by the petitioner/accused under sec.228 of Bharatiya Nyaya Sanhita seeking exemption from personal appearance before the court.

2. Petitioner stands charged in Crime No. 66/21 of Vellikulangar Police Station alleging offences punishable under sections 323,325 r/w 34 of Indian Penal Code .

3. Heard both sides.

4. SHO, filed objection report in granting the exemption. Heard the learned Assistant Public Prosecutor . The petitioner/ accused has filed an affidavit stating that he will not dispute his identity and he will be represented by his counsel through out the trial and also 313 statement can be taken through counsel. He will not challenge the proceedings and the acts done by his counsel. I have perused the case records. The accused had appeared before the court and took bail and charge was framed read over and explained to the accused to which he pleaded not guilty and claims to be tried. He filed undertaking that he will not challenge his identity during the course of trial and that there would be no hindrance to the trial even if he is exempted. Hence, I am of the view that the petition can be allowed and the petitioner/accused can be exempted from personal appearance before the court under Section 228 of Bharatiya Nyaya Sanhita on following conditions:-

a) The petitioner shall undertake that he will not dispute his identity during trial.

b) The petitioner shall undertake to appear before this court as and when directed by the court.

- c) The counsel appearing for the petitioner shall be present on all posting dates of the case and shall not disturb trial if the witnesses are present.
- d) The petitioner shall undertake that all the proceedings taken by this court in his absence will be binding on him and he will not challenge those proceedings on the mere ground of his absence.

(Pronounced by me in open Court on this the 12th day of May 2026)

**Judicial First Class Magistrate,
Chalaky.**