

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE OF
CHALAKUDY

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

Dated this the 27th day of January, 2026

CrI.M.P No.01 OF 2026 in C.C.738 OF 2021

in

Crime No.211 of 2021 of Mala Police Station

Petitioner /Accused No.4 : Ashiq K.B, aged 40 years,
S/o.Bava, Kunnummal House,
Pallippuram Desom, Pallippura Village,
Kodungallur Taluk.
Present address:- Ashiq K.B,
Flat A Block, Radiant Jasmine Gardan
Apartments Sivanahalli, Nehru Nagar,
Yelahanka Old Town, Bangaluru- 560064.

By Adv.Sri.Thomas Vezhaparambil

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

ORDER

This is a petition filed by the petitioner/accused No.4 under sec.228 of Bharatiya
Nagarik Suraksha Sanhita, 2023 exemption from personal appearance before the court.

2. Petitioner stands charged in Crime No.211/21 of Mala Police Station alleging
offence punishable under sections 406,498 A,294(b),354A(1)(ii)(iv) and 509 of Indian Penal
Code.

3. Heard both sides.

4. The learned Assistant Public Prosecutor has no serious objection in granting of the
exemption. 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 351
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. 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 petitioner/accused can be exempted from personal appearance before the court under Section 228 of Bharatiya Nagarik Suraksha Sanhita, 2023 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 that proceedings on the mere ground of his absence.

(Pronounced by me in open Court on this the 27th day of January, 2026)

**Judicial First Class Magistrate,
Chalaky.**