

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF I CLASS
KODUNGALLUR NO.II**

**Present: Smt.Karthika.K., Judicial Magistrate of 1st Class No.II
Monday the 13th day of October, 2025.**

CMP. 86/2025 IN ST 119/2024

Petitioner/Accused	:	Basheer.M.K., aged 58,S/o Mathilakath Veettil Kochumon, Residing near to R.M.V.H.S. School Perinjanam, Perinjanam village, Kodungallur Taluk.(Mathilakam Police Station) PIN.680 686
		<i>(By Adv. Joby.K.J.)</i>
Respondent/ Complainant	:	Jalal.V.A., aged 64, S/o Vellekkatt Abdurahman,Perinjanam desom & village, Kodungallur Taluk.(Mathilakam Police Station)PIN. 680681
		<i>(By Adv. U.K.Jafarghan)</i>
Order	:	CMP is allowed

This case having been finally heard and stood over for consideration to this day, the court delivered the following:

ORDER

This is a petition filed u/s 228 of BNSS to exempt the personal appearance of the accused.

2. **The petition averments is as follows:-** The petitioner is the accused in this case. The offence alleged against the petitioner is punishable u/s 138 of the Negotiable Instrument Act. The petitioner is employed in abroad. He has to leave India on 25.10.2025. Hence the petitioner seeks exemption from personal appearance of the petitioner before this court. Hence the petitioner seeks permission to go abroad. The petitioner avers that he is ready to appear

before the court as and when his presence is necessary and is required by the court. The petitioner will not plead any prejudice or raised any objection if enquiry and trial are held in his absence. The petitioner authorizes his pleader to answer the questions put u/s 351 BNSS. The petitioner is ready to abide by any conditions imposed by this court and the court may grant exemption to the petitioner and to permit him to appear by his pleader and allow him to go abroad in connection with his job.

3. No objection filed by the respondent/complainant.

4. Heard counsel for both sides.

5. The offence alleged against the petitioner is u/s 138 of Negotiable Instrument Act. As per **Section 228 (1) of BNSS** *'If the Magistrate sees reason to do so he can dispense with the personal attendance of the accused and permit him to appear by his advocate.'* In this case the petitioner is working abroad and he has to leave India on 25.10.2025 for his job. The pendency of the case might not affect the right of livelihood of the petitioner. Hence this petition is allowed and the petitioner is granted permission to go abroad and he is exempted from appearance on the following conditions :-

1. The petitioner shall appear before the court as and when required by the court.

2. The petitioner shall not dispute his identity during the time of the trial.

3. The petitioner shall produce the attested copy of his passport and

details of flight ticket before this court within 21.10.2025.

4. The petitioner shall furnish his permanent address during his stay at abroad before this court.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court this the 13th day of October, 2025.

Sd/-
Judicial I Class Magistrate-II
Kodungallur.

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