

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II

NEDUMANGAD

Present: Akshaya.P.R.,Judicial First Class Magistrate-II,
Nedumangad

Tuesday,2nd day of June, 2026

C.M.P. 4/2026

in

Crime No. 1605/2018 of Nedumangad Police Station

Petitioner/Accused : Shehin, S/o.Abdul Latheef,
Shehin manzil,Koppam,Valicodu, Nedumangad.

By Advocate Sri.V.P.Vipinkumar

Counter Petitioner/
Complainant : Station House Officer,Nedumangad

By Assistant Public Prosecutor

Offences : U/s143,147,148,149,341,323,324 IPC

Sentence or Order : The petition is allowed.

O D E R

1. This is a petition filed u/s.228 of Bharathiya Nagarik Suraksha Sanhitha, 2023(BNS).

2. Brief averment in the affidavit are as follows: Petitioner herein is the 8th accused in the above mentioned crime. The offence alleged against him is u/s. 143,147,148,149,341,323,324 IPC. The petitioner is intending to go abroad in connection with job.

3. So the petitioner has filed this petition for getting permanent exemption on all the posting dates of the above mentioned case. Hence the petition.

4. Copy of the application was given to learned A.P.P. and Sub Inspector of Police, Nedumangad police station has filed a report through learned A.P.P .

5. This court heard the learned counsel for the petitioner, learned A.P.P. and perused the records.

6. Learned counsel for the petitioner submitted that the permanent exemption U/s.228 of BNSS,2023 is highly essential since the petitioner is intending to go abroad. Learned counsel pointed out that the petitioner will not dispute her identity during trial. Accused will abide any condition imposed by the Court and she will appear before the court as and when directed. So the learned counsel for the petitioner concluded his argument with a prayer to grant permanent exemption from appearing before the court.

7. This court considered the contentions in detail. On perusal of the record, it is noted that the accused has filed affidavit stating that the petitioner will not dispute his identity during trial. Accused will abide any condition imposed by the Court and she will appear before the court as and when directed. Considering the above aspect, this court is of the view that the petition can be allowed and permanent exemption can be granted to the petitioner on certain conditions:

8. In the result, petition is allowed and permanent exemption is granted to the petitioner on following grounds:

- a) The petitioner shall appear before the investigation officer as and when directed till the filing of the final report.
- b) The petitioner shall give an undertaking in the form an affidavit that he will not dispute his identity in the case and that his Counsel, who is permitted to represent him, would appear before the Court on her behalf on each and every

date of hearing and that he shall not object recording of the evidence in his absence and that no adjournment shall be asked for on behalf of the Petitioner and/ or his advocate;

c) The Petitioner shall appear before the Court on the hearing dates whenever this Court insists for his appearance;

d) If there is any failure on the part of the advocate, who is to represent the Petitioner, either to appear before this Court on each adjournment and/or any adjournment is sought on behalf of the Petitioner and/or if this Court finds that the Petitioner and / or her advocate is trying to delay the trial, in that case, it would be open for this Court to exercise powers under S.355(1) of BNSS to direct the personal attendance of the accused at any subsequent stage of the proceedings.

(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in open court this the 2nd day of June, 2026)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE –II,

NEDUMANGAD

(True copy)

JUDICIAL FIRST CLASS MAGISTRATE –II,

NEDUMANGAD