

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE -I, SULTHAN
BATHERY.

Present: - Smt.Safeena C.C,
Judicial First-Class Magistrate-I,
Sulthan Bathery.

Friday 17th day of April 2026
28th day of Chaithra, 1948

CMP 4/2026 IN ST 1420/2023

Petitioner	A6 Arun Santhosh S/o Santhosh, aged 30, Ambatt House, Mukkamkunnu Post, Thrikaipetta, Muttill south amsom. (By Adv. Shifna K.A)
Respondents	: State represented by the Sub Inspector of Police, Meenangadi Police station in Crime No. 397/23. (By Aneesh Joseph, APP Gr.I, In charge)
Order	: Petition allowed.

This application having been taken as heard finally and the court passed the following: -

O R D E R

This petition is filed by the accused No.6 u/s. 228 of BNSS for dispensing the personal appearance of the petitioner/accused No.6.

2. The petitioner, who is Accused No. 6 in the above case, respectfully submits that he intends to apply for a job in Dubai. The petitioner is hailing from a very poor family and has no sufficient means of livelihood, and his friends are attempting to arrange employment for him in Dubai. The petitioner has his wife and mother depending upon him for their livelihood, and if this opportunity is not

utilized, it would result in great loss and mental agony to the petitioner. It is further submitted that the petitioner does not presently possess a passport; hence, he seeks permission of this Hon'ble Court to apply for a passport before the Passport Office at Kalpetta, Wayanad. The petitioner also seeks exemption from personal appearance before this Hon'ble Court. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to permit the petitioner/Accused No. 6 to apply for a passport and to exempt him from personal appearance before this Hon'ble Court, as there is no dispute regarding his identity, in the interest of justice.

3. No report has been filed by the prosecution. Hence, it is recorded that there is no objection to considering the petition.

4. Taken as Heard both sides.

5. Upon perusal of the case records, it is evident that the investigation has been completed and the charge sheet has been filed, and the case is now pending trial before this Court. The petitioner has submitted a request citing difficulty in appearing on all posting dates. Since the case pertains to the year 2023, the trial has not yet commenced. The reasons stated in the petition appear to be genuine. Therefore, in the interest of justice, the petition is allowed, and the personal appearance of Accused No. 6 before this Hon'ble Court on all posting dates is dispensed with under Section 228 of the BNSS until further orders, subject to the following conditions:

6. Petitioner shall file an affidavit in this court to the following effect that: -

1. The petitioner shall be duly represented by a counsel in the court on all dates of posting,
2. The petitioner/Accused No.6 shall file special vakalath.
3. The Petitioner/Accused No.6 shall not dispute his identity as the particular accused in the case either in the trial court or in the Appeal.
4. The petitioner/Accused No.6 has no objection in taking the evidence in his absence treating the presence of the counsel as her presence, in compliance with S.355 of BNSS, and the petitioner shall not challenge the evidence taken in his absence either in the trial court or in the Appeal.
5. The petitioner/Accused No.6 shall make himself available before the court as and when his personal presence is required or when the court direct him to appear in person.
6. The petitioner/Accused No.6 shall not take up employment in any country with which India has no extradition agreement.
7. The petitioner/Accused No.6 shall also file a memo showing his address as stated in the petition and contact Number to which the communication from the Court shall be sent.

(Pronounced by me in open court on the 17th day of April 2026)

sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I

//True copy//

JUDICIAL FIRST CLASS MAGISTRATE-I
SULTHAN BATHERY