

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS – I,
MANANTHAVADY.**

Present : Sri.Anand Parathara
Judicial Magistrate of first Class – I, Mananthavady.

Thursday, this the 26th day of March, 2026
05th day of Chaithra, 1948 (SE)

C.M.P.No.3/2026
in CC.226/2021
(In Vellamunda Police Station Crime No.31/2020)

Petitioner/accused	:	Ajinas, S/o Noushad, aged 24/25, Puthanpudiyil House, Dwaraka, Nalloornadu Post. (By Adv.K.Rajesh)
Respondent	:	The S.H.O, Vellamunda (By Sri.Firos.E.S, APP. Gr.II)

O R D E R

This is an application filed by the counsel for the Petitioner/accused under section 228 of the Bhartiya Nagrik Suraksha Sanhita.

2. Prosecution case is as follows:- That on 30.02.2020 between 15.30 hours and 16.45 hours at Vellamunda, the accused vandalized and destroyed public property including tubes, desks, benches, laptop podium and wiring in the Plus Two Commerce class and the adjacent classroom of the Vellamunda Government Model Higher Secondary School, causing a loss of approximately ₹10,000/- to the government. Thus the accused is alleged to have committed the offence punishable under section 3(1) of the Prevention of Damage to Public Property Act.

3. The petitioner is the accused in CC.226/2021 on the file of this court. The Petitioner/accused submits that he is innocent and has not committed any offence as alleged. The Petitioner/accused further submits that he wants to go abroad for the purpose of his job.

Hence, this application is filed to dispense the personal attendance of the Petitioner/accused before this Court.

4. The prosecution opposed the application.

5. Petitioner/accused filed an affidavit undertaking that he will not challenge his identity during trial.

6. The law is well settled that the personal appearance of the accused in a criminal trial is the general rule and exempting him from personal appearance is an exception to that rule, which can be resorted to in suitable cases by due exercise of judicial discretion.

7. It is pertinent to note that this matter is from the year 2021. Charge was also framed against the Petitioner/accused. Hence, I find that no useful purpose would be served insisting upon the personal appearance of the accused on all posting dates of the case and the progress of the trial would not be hampered in any manner since the petitioner undertook not to dispute his identity during the trial. Hence, I find no ground for insisting on the personal appearance of the accused on all posting dates.

8. Considering the submissions made by the learned counsel for the Petitioner/accused, taking into account the averments made in the petition and the provision under Sec.228 of BNSS, I am of the view that it is a fit case for appearance of Petitioner/accused should be dispensed with.

In the result, the petition stands partly allowed. The Petitioner/accused stand exempted from his personal appearance and permitted to appear through the counsel till otherwise directed by this Court subject to the following conditions:-

1. Petitioner/accused shall appear before the Court as and when directed by the Court, for the questioning under s. 313 and for receiving the judgment.

2. Petitioner/accused shall not dispute his identity during the trial.
3. The Petitioner/accused shall be duly represented before this Court on all posting dates of this case.

(Pronounced by me in the open Court this the 26th day of March, 2026)

**JUDICIAL FIRST CLASS MAGISTRATE-I,
MANANTHAVADY**