

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

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

Saturday, this the 16th day of May, 2026
26th day of Vaisakha, 1948 (S.E)

C.M.P.No.5/2026
in CC.171/2019
(In Makkiyad Forest Station OR.No.3/2008)

Petitioner/accused No.1 : K.C.Kunjiraman, S/o Chanthu, Kavummuttah
House, Karakkamala, Wayanad.
(By Adv.K.S.Mohandas)
Respondent : The Range Forest Officer, Mananthavady
(By Sri.Firos.E.S, APP. Gr.II)

ORDER

This is an application filed by the counsel for the Petitioner/accused No.1 under section 228 of the Bhartiya Nagrik Suraksha Sanhita.

2. Prosecution case is as follows:- That the accused trespassed into reserved forest land at resurvey No.238/1 of Kanjirangad Village, cut down the trees and undergrowth and destroyed the boundary marks. Thus the accused are alleged to have committed the offence punishable under sections 27(1)(e)(vi), 27(1)(e)(iii) and 62(d) of the Kerala Forest Act.

3. The petitioner is the first accused in CC.171/2019 on the file of this court. The Petitioner/accused No.1 submits that he is innocent and has not committed any offence as alleged. The Petitioner/accused No.1 further submits that he is laid up due to paralysis. So it is difficult for him to appear before the court on all posting dates. Hence, this application is filed to dispense the personal attendance of the Petitioner/accused No.1 before this Court.

4. The prosecution opposed the application.

5. Petitioner/accused No.1 filed an affidavit undertaking that he will not challenge his identity during trial.

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

7. Upon verification of records, it is seen that Charge was framed against the Petitioner/accused No.1. The Petitioner/accused No.1 has already filed an affidavit undertaking that he will not challenge his identity during trial. Hence, I find that no useful purpose would be served insisting upon the personal appearance of the accused and progress of the trial would not be hampered in any manner. 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 No.1, 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 No.1 should be dispensed with.

In the result, the petition stands allowed. The Petitioner/accused No.1 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 No.1 shall appear before the Court as and when directed by the Court.
2. Petitioner/accused No.1 shall not dispute his identity during the trial.
3. The Petitioner/accused No.1 shall be duly represented before this Court on all posting dates of this case.

(Pronounced by me in the open Court this the 16th day of May, 2026)

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