

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****CR.M.P. No.1195 of 2015**

Abhishek Shukla, S/o. R.K. Shukla, aged about 30 years, R/o. Forest Colony, Champa, District – Janjgir-Champa (C.G.)

**---- Applicant****Versus**

State Of Chhattisgarh, Through : District Magistrate, Durg, District – Durg (C.G.)

**---- Respondent**

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 For Petitioner : Dr. Kumaresh Tiwari, Advocate.  
 For State/Respondent : Mr. Anil S. Pandey, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****04/01/2016**

Heard.

1. Challenge in this petition is to the order dated 16.10.2015, passed in Criminal Revision No.167/2015, passed by Additional Sessions Judge, Durg (C.G.), whereby the order passed by the Judicial Magistrate First Class, Durg dated 22.08.2015, in Criminal Case No.8266/2014, is affirmed. The order pertains to rejection of application under Section 205 of Cr.P.C. for exemption from personal appearance, in respect of the petitioner.
2. Learned counsel for the petitioner submits that the petitioner was granted bail by the Court below in Criminal Case No.8266/2014 in case of State Vs. R.K. Shukla. He further submits that the petitioner is in private job at Bangalore and during the trial the dates are being given at a interval of 15 days. He further submits that the petitioner is

in private job and it is difficult to appear within 15 days of interval and they way the trial is proceeded, at an interval of 15 days, the petitioner may loose his job and it is not possible for him to get leave within 15 days. The counsel further submits that the petitioner is ready and willing to appear on each and every date provided some little gape of one and half months are granted.

3. I have perused the order of rejection of application under Section 205 of Cr.P.C. and the order of the Revisional Court. Prima-facie it appears that there are four accused and three accused persons have been exempted except the petitioner, who is the husband. The case is registered under Section 498 of I.P.C.. Admittedly bail have been granted and the case is pending trial for evidence. Considering the facts of this case, it can not be conclusively held at this stage that the petitioner is guilty, but at the same time, further on such consideration the petitioner is placed at Bangalore in a private job, certainly for coming to Court at each interval of 15 days, it would amount to punish the petitioner at this stage. Therefore, taking into consideration the submission made by the petitioner that he is ready and willing to appear within a gape of one and half months if the dates are given for evidence, it is observed that learned Court below shall take into such submission in it's true spirit and if further application is filed before the Court below for exemption, the Court while granting the date of trial in the intervening period, if possible it may be given at a gape of one month. In the opinion of this Court it would not subserve the justice and would not prejudice the rights of either parties.
4. Accordingly, it is observed that in the event of further filing of application for exemption, before the Trial Court, the Court below shall consider the fact and may grant suitable date keeping in mind

that the applicant has to come down from Bangalore and the Court shall take into notice the difficulties faced by the petitioner while granting interval dates and may grant date beyond the period of one month according to the status of the case to its discretion.

5. With such observation, the petition stands disposed off.

**Sd/-**  
**(Goutam Bhaduri)**  
JUDGE

Balram