

11.05.2022

Item No.24
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 145 of 2015

**Mr. Umesh Parekh & Anr.
versus
State of West Bengal & Anr.**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

The present revisional application has been preferred challenging the order dated 17.12.2014 passed by learned Chief Metropolitan Magistrate, Calcutta in Case No. C/409287 of 2014 under Sections 138/141 of the Negotiable Instruments Act.

The grievance of the petitioners in this revisional application relates to provisions of Section 205 of the Code of Criminal Procedure for being represented through their learned lawyer and for exempting their personal appearance or dispensing their personal appearance from day-to-day proceedings of the court. In view of such order, as is reflected from the records, was passed by the learned Magistrate on 11.12.2014 rejecting the application under Section 205 of the Code of Criminal Procedure, I am of the view that the date so mentioned in the cause title has been wrongly referred to. However, having regard to the settled principles of law in cases arising out of summons procedure, I direct that the learned Magistrate would reconsider the application under Section 205 of the Code of Criminal Procedure and should not insist on physical appearance until and unless the same

is stumbling block for proceeding with the trial of the case. However, the petitioner would give appropriate undertaking before the learned trial court in consonance with the settled principles of law.

With the aforesaid observations, the revisional application being CRR 145 of 2015 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)