

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2025 of 2013

Prakash Gouda and others *Petitioners*
versus-
Smt. Bully Gouda and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
04.07.2022

04. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to set aside the order dated 10th June, 2013 passed by the learned Additional Sessions Judge, Bhanjanagar in Crl. Revision No.12 of 2012 dispensing the personal attendance of the Petitioners in I.C.C. Case No.7 of 2012 pending in the court of the learned J.M.F.C., Surada and accordingly setting aside the order dated 25th September, 2012 passed by the learned Magistrate, Surada in I.C.C. No.7 of 2012 and allowing the application of the Petitioners vide Annexure-1.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party No.2. No one appears on behalf of the Opposite Party No.1 in spite of sufficiency of notice.

4. It appears that Petitioners' prayer under Section 205 of Cr.P.C. having been refused, they have come to this Court challenging the same.

5. It is a case under Sections 489(A), 406, 323, 506 read with Section 34 of the I.P.C. and the Petitioners are the husband and in-laws of the Opposite Party No.2.

6. Considering the facts and submissions made, this CRLMC is disposed of by setting aside the impugned order and with a direction to the learned J.M.F.C., Surada to dispense with the personal attendance of the Petitioners in the aforesaid case on such terms and conditions as deemed just and proper keeping in mind the law laid down in the case of ***Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd. and others, reported in (2001) 7 SCC 401.***

7. Furthermore, it is made clear that if any affidavit is required to file pursuant to such order, personal attendance of the Petitioners for filing the affidavit need not be insisted upon.

(S. Pujahari)
Judge

DA