

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1219 of 2023

Krishan Kumar Goenka

....

Petitioner

Mr. D. Panda, Advocate

-Versus -

Republic of India

....

Opp. Party

Mr. Sarthak Nayak, Advocate
for CBI

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

14.03.2023

Order No.
03.

1. This matter is taken up through hybrid mode.
2. The petitioner is facing trial in S.P.E. Case No. 05 of 2000 in the court of Special C.J.M., (CBI), Bhubaneswar.
3. An application was filed on his behalf by his lawyer under Section 317 Cr.P.C. on 08.09.2022 with prayer to permit him to be represented by his lawyer. The said petition was allowed by order dated 08.09.2022. Further, by the same order the court below directed that the accused shall remain personally present in the court on each subsequent adjournment. The petitioner is aggrieved by that part of the order.
4. Mr. D. Panda, learned counsel for the petitioner submits that the petitioner is aged about 64 years and also stays at Pune and therefore, it would not be practically possible for him to attend the court on each date of the posting of the case.
5. Mr. Sarthak Nayak, learned counsel for the CBI has opposed the contentions of Mr. Panda by submitting that there is no proof that the petitioner is residing at Pune.

6. Considering the contentions raised, this Court is of the view that the petitioner's personal attendance shall be insisted upon only when it is absolutely essential for the case. The impugned order in so far as it relates to the direction to the accused to remain physically present in the Court on each date of the posting is set aside. The court below is directed to allow the petitioner to be represented by his counsel and insist upon his physical attendance only when the same is felt essential/necessary for the case.

7. CRLMC is disposed of accordingly.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge



A.K. Rana