

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2115 of 2022

Lili Kumari Das *Petitioner*
-versus-
Santosh Kumar Gadapalla *Opposite Party*

CORAM: JUSTICE S.PUJAHARI

ORDER
11.08.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 12th July, 2022 passed by the learned J.M.F.C., Narasinghpur in 1.C.C. No.53 of 2019 wherein the prayer made by her to dispense with her personal attendance has been refused.
3. Heard the learned counsel for the Petitioner.
- 4 The Petitioner, in this case, has challenged the order refusing to allow her to be represented under Section 205 of Cr.P.C.
5. Considering the facts and submissions made, especially the fact that the court below, while addressing the prayer of the Petitioner under Section 205 of Cr.P.C., has not taken into consideration the law laid down in this regard, particularly in

the case of *Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd. and others*, reported in (2001) 7 SCC 401 and rejected her prayer. The rejection of the prayer therefore being made without addressing the law cannot be sustained. However, the aforesaid order being purely interlocutory in nature, though this Court, therefore, without setting aside the impugned order, giving liberty to the Petitioner to approach the court below once more by filing another application under Section 205 of Cr.P.C. as the same is not prohibited and in that event the court below shall address and dispose of the same within fifteen days of filing of the same, taking note of the aforesaid observation and law laid down in this regard including the case of *Bhaskar Industries Ltd.* (supra).

6. It is made clear that this Court, while addressing the same, shall have no binding tie with earlier prayer of rejection on any manner as this Court has already held that the impugned order was passed in oblivious to the law in this regard.

7. With the aforesaid order, the CRLMC stands disposed of.

(S.Pujahari)
Judge