

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1472 of 2016

Dr. Adwaita Kumar Patra. ***Petitioner***

-versus-

Dr. Radhanath Praharaj. ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER

11.04.2022

Order No.

- 07.
1. This matter is taken up through Hybrid mode.
 2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 20.04.2016 passed by the learned S.D.J.M., Bhubaneswar in I.C.C. No.3967 of 2014 rejecting his petition under Section 205 of Cr.P.C.
 3. Heard the learned counsel for the parties.
 4. It appears that the reasons assigned by the learned S.D.J.M., Bhubaneswar while rejecting the prayer of the petitioner made under Section 205 of Cr.P.C. are not germane for consideration of the prayer of the petitioner. The petitioner has been indicted in a complaint case for alleged commission of

offences punishable under Sections 500 and 501 of IPC. From the impugned order, it appears that the learned S.D.J.M., Bhubaneswar without addressing the law in this regard rejected the prayer of the petitioner, hence the impugned order cannot be sustained.

5. Therefore, this Court allow this CRLMC, set-aside the impugned order and direct the trial Court to dispense with his personal appearance putting such terms and conditions as mentioned in the case of *Bhaskar Industries Ltd. Vrs. M/s. Bhiwany Denim and Apparels Ltd.*, reported in AIR 2001 S.C. 3625.

6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS