

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2786 of 2022

M. Gopal

Petitioner

Mr. D. Panda, Advocate
Mr. A.K. Das, Advocate

-Versus-

State of Odisha

.... Opposite Parties

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

30.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the opposite party State.

2. Instant petition under Section 482 Cr.P.C. is moved at the behest at the petitioner assailing the impugned order dated 1st June, 2022 passed by the learned S.D.J.M., Berhampur in connection with G.R. Case No.740 of 2008 whereby an application Section 205 Cr.P.C. for exemption in appearing before the learned court below in terms thereof was disallowed.

3. A copy of the impugned order is at Annexure-3 and the same is perused by the Court.

4. Mr. Panda, learned counsel for the counsel for the petitioner submits that the informant OSFC lodged the FIR in connection with theft of some items and alleged that it was accomplished by the petitioner in connivance with miscreants. It is submitted that the petitioner was later chargesheeted for the offence under Sections 457, 380, 114 read with 34 IPC and thereafter, NBWA was issued against him. In the meantime, according to Mr. Panda, learned counsel for the petitioner, an application under

Section 205 Cr.P.C. was moved for dispensing with his personal attendance and represented through a counsel but then it was not properly appreciated and considered despite the fact that he has medical issues and was rejected which is unjustified. Mr. Mohapatra, learned counsel for the State on the other hand submits that the learned court below did not error or commit any illegality in passing the impugned order under Annexure-3 considering the nature of offences alleged against the petitioner.

5. In course of hearing, Mr. Panda, learned counsel for the petitioner submits that in case the Court is not inclined to allow exemption in personal attendance in terms of Section 205 Cr.P.C. vis-à-vis the petitioner, at least he should be allowed to surrender before the learned court below and released on bail which would serve the purpose and meet the ends of justice.

6. Considering the limited prayer, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M., Berhampur on or before 20th December, 2022 in connection with G.R. Case No.740 of 2008 corresponding to Berhampur Sadar P.S. Case No.140 of 2008 and in the event, he surrenders within the time stipulated, the court below shall release him on bail subject to conditions.

7. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge