

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2905 of 2021

Ajay Bharat

....

Petitioner

*Mr. R. Agarwal,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Ms. S. Mishra
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.01.2022

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is aggrieved by order dated 03.12.2021 passed by learned S.D.J.M., Bhubaneswar in C.T. Case No. 2606 of 2016 whereby his application filed under Section 205 of Cr.P.C. for dispensing with his personal attendance in the court was rejected.
4. The facts of the case are that the petitioner is facing trial in the aforementioned case for the alleged commission of offence under Sections 341/332/294/353 of IPC. The petitioner is a Government servant being employed as Assistant Commissioner under the Provident Fund Organization at Nagpur. A petition was filed by him seeking dispensation of his personal attendance, mainly only ground that it is not possible on his part to personally appear before the trial court on each date of posting of the case as he is presently posted at

Nagpur.

5. Considering the limited prayer and the fact that the petitioner, being a Central Government employee is posted at Nagpur, this Court is inclined to allow the prayer for dispensation of his personal attendance in the case. The CRLMC is therefore allowed. The impugned order is hereby quashed. Learned court below is directed to pass orders allowing the petition under Section 205 of Cr.P.C. with the condition that the petitioner shall not dispute his identity and shall appear if it is felt necessary by the court below.

6. The CRLMC is accordingly disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

B.C. Tudu