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**CRR 2701 of 2024
(CRAN 1 of 2024)**

**In Re : Deepak Kumar Shroff
... Petitioner.**

**Mr. Ayan Bhattacharjee
Ms. Ayesha Sultana
Mr. Suman Mazumder
Ms. Saheli Mukherjee
.... For the Petitioner**

**Mr. Vipul Kundalia
Mr. Siddhartha Lahiri
Ms. Umeza Ali
Ms. Isabell Pal
Mr. Anurag Roy
Ms. Swagata Roy
.... For the SFIO**

By consent of the parties the revisional application is taken up for consideration along with application being CRAN 1 of 2024.

Affidavits of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

By an order passed on 3rd July, 2024, the petitioner was granted liberty to appear before the learned trial Court for consideration of his application filed under Section 205 of the Code of Criminal Procedure. Liberty was granted to the petitioner to file a fresh application under Section 205 of the Code. Learned trial Court was directed to consider the matter in the light of the proposition laid down in the authority in

Tarsem Lal vs. Directorate of Enforcement Jalandhar Zonal office reported in ***2024 INSC 434***.

Learned counsel for the petitioner submits that the petitioner submitted an application under Section 205 of the Code in compliance with the order of this Court and by an order passed on 5th August, 2024 in Criminal Case no. 04/24, the learned trial Court has turned down the application of the petitioner on the ground that the allegation against the petitioner was grave and allowing the application would send a wrong message to the society. Learned trial Court granted liberty to the petitioner to file an application seeking condonation of his absence or for his representation under Section 317 of the Code of Criminal Procedure in the event he was unable to attend the Court owing to his personal inconvenience.

Learned counsel has taken this Court to the relevant portion of the authority referred to above wherein the Hon'ble Supreme Court has observed that the Special Court can grant exemption from personal appearance to the accused by exercising power under Section 205 of the Code on sufficient cause being shown. The judgment records that the accused petitioner shall not be required to apply for bail and the Special Court can direct the accused to furnish bond in terms of Section 88 of the Code. Hon'ble Supreme Court has clarified that bond under Section 88 is only an undertaking by the accused who is not in custody to appear before the Court on the date fixed.

Learned counsel for the opposite parties submits that the order impugned is a reasoned order and there is no illegality or irregularity therein which requires intervention by this Court.

Upon consideration of the order impugned this Court is of the view that the learned trial Court has turned down the prayer of the petitioner under Section 205 of the Code of Criminal Procedure upon stating sufficient reasons therefor. Learned Court has also granted liberty to the petitioner to be represented on the dates he is unable to appear before the Court due to his personal inconvenience.

The petitioner seeks liberty to furnish bond before the learned trial Court under Section 88 of the Code. Such liberty is granted. The petitioner shall furnish bond under Section 88 of the Code before the learned trial Court on the next date of hearing fixed by the learned trial Court. The bond so furnished shall be accepted by the learned trial Court, in accordance with law.

Since nothing further remains to be adjudicated in the present application, the revisional application being CRR 2701 of 2024 is disposed of.

CRAN 1 of 2024 is consequently disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)