IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 5062 OF 2023

Pramod Patra .. ***Petitioners***

Mr. J. Pal, Advocate

-versus-

Enforcement Directorate (Govt. of India) .. ***Opposite Party(s)***

Mr. G. Agarwal, Adv.
(Enforcement Directorate)

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER
05.01.2024

Order No.

03. 1. Heard Mr. Pal, learned counsel for the Petitioner and Mr. Agarwal, learned counsel for the Enforcement Directorate.

2. On 13.07.2018 Complaint Case (PMLA) No.60 of 2018 has been initiated against the Petitioner herein for having allegedly committed the offence U/S. 3 of PMLA. There are as many as 9 accused persons arrayed in the compliant. The petitioner being accused No.4 has moved an application under Section 205 of Cr.P.C. seeking exemption from personal appearance.

3. By way of impugned order dated 02.03.2023, the application of the Petitioner seeking exemption has been turned down by the Special Court, Bhubaneswar.

4. Mr. Pal, learned counsel for the Petitioner submits that he is not keeping well, therefore, he sought exemption.

5. Mr. Agarwal, learned counsel for the Enforcement Directorate submits that the Petitioner had never surrendered to the jurisdiction of the Special Court and he has been avoiding to appear in the Court. On the contrary, he is moving application under Section 205 of Cr.P.C. so as to avoid to surrender to the Court. He further submits that he has not even applied for grant of bail in the instant case.

6. Having heard the parties and perused the records, I am of the considered view that the application under Section 205 of Cr.P.C. moved by the Petitioner deserves to be allowed subject to the condition that the Petitioner surrenders to the jurisdiction of the trial Court and apply for grant of bail, thereafter the trial Court may extend the concession provided under Section 205 Cr.P.C. to the Petitioner to appear through VC. The trial Court may also insist for physical appearance of the accused as and when required during the trial.

7. The CRLMC is disposed of.

Signature Not Verified
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Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 06-Jan-2024 15:08:26

(S.S. Mishra)
Judge