

ORDERS ON APPLICATION FILED U/SEC. 205 OF CR.P.C.

The present application filed by the accused No.3 on 14-10-2025 stating that he is aged about 86 years and he is suffering from old age diseases, not in position to travel in the bus, also he is so weak and also unable to walk without the assistance of others. Thus prays to exemption of his personal appearance before court by allowing this application. He also undertakes that when his presence is absolute necessary in this case he will be present before this court.

2. In support of application he also filed certificate issued on 09-10-2025 by the Public Health Center, Channagiri along with other medical documents.

3. Despite provided sufficient opportunity prosecution has failed to file objection to the I.A.No. 1.

4. Heard the learned counsel for accused. Perused the application and documents annexed with. Upon perusal of the same the following points would arise for my determination:

POINTS

1. Whether Accused No.3 made out grounds to exempt him from personal appearance before the court on regular hearing date?
2. What order?

Reasons

5. **Point No.1:** Upon perusal of application and the annexed documents with I.A.No.1, as per the provision under Section 205 of Cr.P.C, Exemption from appearance in the court. Perused the medical documents. Upon perusal of the same this court noticed that, the accused suffered prostate Hyperstrophy and trauma of both hand and leg as mentioned dated 09-10-2025 the medical certificate issued by one Doctor servicing in Public Health Center, Channagiri and the annexed documents also discloses that the accused No. 3 is under treatment for the said disease. This court is also observed the accused in the open court that, the accused No. 3 is unable to walk independently. Hence this court is of the opinion that, the accused has made out medical grounds to exempt him from personal presence before the court on all hearing dates till when the court directed to the accused to present before the court. Hence, the present application filed by the accused No.3 is hereby **allowed** till completion of trail subject to fallowing.

CONDITIONS

Accused No.3 must present and face Charge on next date of hearing and also file affidavit of undertaking that,

1. He shall file affidavit undertaking that he will not dispute the Identity through out the trail.

2. The counsel on his behalf would be present in court and that if he has no objection in taking evidence in his absence.

3. He shall have to appear in person as and when called by this court.

Reissue summons to CW-1 to 3.

Call on: 16-12-2025.

**I ACJ & J.M.F.C.,
Channagiri.**