

**ORDER ON APPLICATION FILED**  
**FILED BY THE ACCUSE NO.1 UNDER**  
**SECTION 205 OF Cr.P.C**

The accused No.1 has filed this application seeking permanent exemption for his personal appearance.

In the application the accused No.1 contended that he is suffering from paralysis stroke, and due to the severity in attack, the accused no.1 has completely bed ridden. Hence, this application. The accused No.1 also produced the Medical certificate issued by the Medical Officer, Government Hospital, Nanjangudu.

The learned APP filed the objection to the application contending that the application filed under section 205 of Cr.P.C is not applicable. The I.O has submitted the charge sheet against the accused persons and prima-faice the it show that the accused no.1 is guilty of the offenses. Hence prays to dismiss the application.

Heard and perused materials

available on record.

It is contended by the accused that he is death bed and suffering from critical ill health. He has produced one Medical certificate issued by Medical Officer, Nanjangudu Government Hospital. Wherein it is stated that accused No.1 is suffering from left sided hemiparesis with seizure disorder and it is recurring again. Hence, he is not able to walk properly and needs assistance for his routine work. It is not disputed that the accused No.1 is old age person .

Further, it is well settled law that once a warrant is issued against the accused section 205 of Cr.P.C should not be invoked. This ratio is taken from the decision reported in 1989 CrI. Law Journal 523 between Ajith K Chakraborty Vs. Serampore Municipality. In this case though the warrant was issued against the accused it was recalled. This court is of the opinion that the instant case being the warrant trial the personal appearance of all the accused is necessary at the stage of framing of

charge and at the stage of evidence if personal identification is necessary. The accused No.1 shall present before the court at the time of trial and at any stage of the proceedings if necessary. Hence, by considering all the facts and circumstances this court pass the following

**ORDER**

The application filed by the accused No.1 under section 205 of Cr.P.C is hereby partly allowed.

The accused No.1 is directed to before the court at the time of trial or in proceedings if the presence of the accused is necessary.

Issue witness summons to C.W.1 to 3

Call on 26.12.2025

I Addl. Civil Judge & JMFC.,  
Nanjangudu