

**CS-34619 of 2017**

**Order date: 18.07.2018**

Today is fixed for hearing.

Complainant is absent by petition on the ground stated therein. Perused the petition. Heard. Considered and allowed.

Accused person files a petition u/s 317 of Cr.P.C on the ground stated therein. This petition is heard considered and allowed in the interest of justice. The accused is hereby permitted to be represented by her Ld Lawyer in this case for this day only.

The record is now taken up for hearing the petition u/s 205 of Cr.P.C preferred by the accused. Ld. Lawyer appearing for the accused files certain reported decisions accompanied by firisti. Let the same be made part of the record.

The petition is now taken up for hearing. Perused the petition as well as the materials on record. Considered.

It is the contention of the accused petitioner that she being a lady having her place of residence at Murshidabad would have to undertake a long journey of over 166 km to come to the Court. Such hardship would be unnecessary in the present case as she shall not to challenge her identity in this case. Hence she prays for an order u/s 205 of Cr.P.C.

Having considered the submissions made by the respective lawyers especially the fact that Ld. Lawyer appearing the complainant company raises no objection, I am inclined to allow this petition so as to avoid unnecessary harassment to the accused petitioner being a lady and a mother.

205 Cr.P.C reads as follows :-

**Magistrate may dispense with personal attendance of accused -**

(1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused and permit him to appear by his pleader

(2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in the manner hereinbefore provided.

From the nomenclature of this petition dt. 12.10.2017 it appears that the accused person pray for dispensing with her personal appearance in this case on the ground stated in the petition which appear to me justified grounds. The case being a summon procedure one, there is no impediment to allow the same.

Hence, the petition dt.12.10.2017 u/s.205 Cr.P.C is hereby allowed .

So, the personal appearance of accused person is hereby dispensed with in this case.

To ..... for Plea.

D/C by me

M.M.3<sup>rd</sup> Court, Calcutta

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