

C. Case no. 3252/2023

Order dt. 08.10.2024

Today is fixed for hearing of the petition filed by the accused person u/s.205 of CrPC. Both sides have taken steps. One supplementary petition has been filed in connection with petition u/s.205 of CrPC by the Id. Advocate for the accused person.

Now the case record is taken up for hearing of the petition u/s 205 CrPC.

The Id. Advocate namely Debdutta Raysharma for the accused person namely Kamala Karmakar has filed a petition u/s 205 CrPC seeking exemption of this accused person from attendance before this Court on dates and prays for being represented by her above named Id. Advocate. The exemption from attendance has been prayed on the ground that accused person is a senior citizen lady aged 79 years and suffering with age related health issues. In support of this petition the accused person has filed photocopy of medical documents.

The Id. Advocate for the complainant submits that the accused person never appeared before this Court after taking bail. The personal appearance of the accused person is required for plea/charge hearing, otherwise the hearing of this case would be delayed and the complainant will not get any relief.

After hearing submission of both sides, perusal of the case record and considering entire facts and circumstances, I am of the view that if the attending of the accused person can be exempted and she can be represented by her Id. Advocate namely Debdutta Raysharma subjected to some conditions.

Hence, it is

ORDERED

that the petition of the accused person namely Kamala Karmakar under section 205 of CrPC to be represented by her Id. Advocates namely Debdutta Raysharma and exemption from regular attendance on the dates of hearing of this case, is allowed on contest with conditions which are as follows :-

- 1) plea and evidence will be taken in absence of the accused person and in presence of her Id. Advocates and she would not challenge it.
- 2) the accused person will not cause obstruction in any primary concern of the Court in relation to administration of criminal justice.
- 3) The accused person would not dispute her identity and raise any objection in taking evidence in her absence and in presence of her counsel.
- 4) The accused person would remain present before this Court when specific direction will be given at any stage during hearing of this case till disposal.

Fix **08.01.2025** for plea.

D/C by me;

J.M., Bidhannagar

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J.o.Code-WB01296