

Complaint Case No. - 1656 of 2022
Present - Sutirtha Banerjee
(J.O. Code - WB00980)
Chief Judicial Magistrate, Alipore

Order dt. - 18/07/2023.

As stipulated by the previous order, today is fixed for filing affidavit with regards to the petition u/s. 205 Cr.P.C. id warrant of arrest.

The representative of the complainant company has filed hazira.

Hazira is filed on behalf of the authorized representative of accused persons.

Affidavit is filed with regards to the petition u/s. 205 Cr.P.C. by the accused no. 2 today.

Now, the application u/s. 205 Cr.P.C. is taken up for hearing.

At the time of hearing on the last date, the Ld. Advocate for the accused no. 2 has contended that the accused/petitioner is a businessman and surrounding Indian and for that he has to frequently travel to various parts of India for his business purpose and for that it is not possible for the petitioner/accused no. 2 to appear before this court on each and every date of proceedings of this instant case. On basis of this contention, he prayed for exemption from personal appearance. He has also undertaken that in the event his personal attendance is exempted, he would not challenge his identity before Court and would at all times be represented by Ld. Advocate on record in day to day proceedings and the Ld. Advocate for the petitioners also submitted that the said petitioner would appear before the Court as and when called for.

Ld. Advocate for the accused persons has given his consent to allow the petition u/s. 205 Cr.P.C.

Perused the materials available in the case record.

The legal position is clenched by now that this court in proper situation may dispense with the personal attendance of the petitioner. In this case, it is a matter of fact that the petitioner before me, the appearance on day to day proceeding may cause hardship to him.

Thus, based on above delineations the personal attendance of the accused no. 2/petitioner in Court may be dispensed with and doing so will in no way prejudice the prosecution.

Hence, considering all the aspects of the present case the petition stands allowed.

Hence, it is

O R D E R E D

that the accused no. 2 namely Inder Pal Singh is hereby exempted from his personal attendance before this Court subject to the following conditions :-

- That the petitioner shall not challenge his identity in this Court, during trial or during any other stage.

- That the petitioner shall be duly represented by his Ld. Advocate namely Indranil Roy Chowdhury/Kaniskha Ganguly on every date fixed in Court.
- That the petitioner shall make himself available in Court whenever it is necessary and ordered by this court or any other court in connection with this case.
- That the petitioner shall not hamper the proceedings of this case in any manner whatsoever.

Thus, the petition u/s. 205 Criminal Procedure Code 1973 filed by the petitioner is allowed and the said petitioner is hereby allowed to be represented by their Ld. Advocate on record u/s. 205, Criminal Procedure Code 1973 subject to the conditions mentioned here in before.

It has transpired from the case record that petition u/s. 305 Cr.P.C. has already filed on 18/05/2023 by accused no. 1 but no letter of authorization has yet been filed in support of such petition.

Fix 29/09/2023 for taking proper steps by the accused no. 1 positively.

D/c by me;

CJM, Alipore

CJM, Alipore