



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.1025 of 2025**

**J.E. Dhamnagar Saswat  
Kumar Nandi**

.... **Petitioner**  
Mr.Satya Smruti  
Mohanty,  
Advocate

-versus-

**State of Odisha**

.... **Opp. Party**  
Mr.S.J.Mohanty,  
ASC

**CORAM:**

**JUSTICE SIBO SANKAR MISHRA**

**Order  
No.**

**ORDER  
26.03.2025**

01.

**1.** The petitioner is the sole accused in the F.I.R. in connection with Dhamanagar P.S. Case No.132 of 2023 corresponding to G.R. Case No.237 of 2023 for the alleged commission of the offences punishable under Sections 304-A/285 of the IPC pending in the Court of the learned J.M.F.C., Dhamnagar.

**2.** The trial of the case is progressing at its expected pace. The petitioner moved an application on 10.09.2024 under Section 205 of the Cr. P.C. seeking personal exemption from appearing in the Court. By the impugned order dated 18.01.2025, the said



application has been turned down. The learned trial Court, while rejecting the application, *inter alia*, observed as under:

*“Perused the case record, petition filed by the accused person-petitioner and heard the objection. From the case record it reveals that cognizance for offences U/s. 304A/285 IPC has been taken by this Court on 09.08.2023. The grounds stated by the counsels of accused to exempt his personal attendance is not a justifiable ground to exempt them from their personal attendance during the course of trial. Moreover, the accused, in the opinion of this Court, is not a busy public functionary whose appearance in the court would hamper the public work. Also, so far as plea of the accused that his official duty would cause immense hardship to the Court is concerned, the accused may invoke the provision U/s. 317 Cr. P.C. for that purpose. Therefore, I am of the opinion that the petition of the accused bears no merit and therefore it stands rejected. Put up on 4.3.2025 for appearance of the accused.”*

**3.** Perusal of the operating part of the impugned order as extracted above reveals that the learned trial Court has directed that as and when required, the petitioner shall appear before the Court. However, liberty is granted to the petitioner to move application under Section 317 of the Cr. P.C. if necessary.

**4.** In view of the aforementioned observation, I am not inclined to entertain the present petition. However, it is made clear that as and when the physical appearance of the petitioner is required, the petitioner must appear before the Court and rest of the time, when the proceeding is taken up before the trial



Court, the petitioner may move application under Section 317 Cr. P.C. or appear before the Court through the video conferencing mode.

**5.** With the aforementioned observation, the CRLMC is disposed of.

**(S.S. Mishra)**  
**Judge**

Subhasis

Signature Not Verified

Digitally Signed  
Signed by: SUBHASIS MOHANTY  
Designation: Personal Assistant  
Reason: Authentication  
Location: High Court of Orissa, Cuttack.  
Date: 27-Mar-2025 18:30:46

