



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.4521 of 2024

Usharani Sahoo and another

.....

Petitioners

Represented By Adv. –
Mr. T. Barik

-versus-

Brajendra Kumar Behura

.....

Opp. Party

Represented By Adv. –

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

29.10.2025

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for sole Opposite Party. Perused the application as well as the prayer made therein.
3. The present application has been filed at the instance of the accused-petitioner under section 482 of the Cr.P.C. with a prayer to quash order dated 25.06.2024 passed by the learned J.M.F.C., Daspalla, Nayagarh in ICC Case No.12 of 2020.
4. By virtue of the impugned order dated 25.06.2024 the learned JMFC, Daspalla, Nayagarh has rejected the application filed by the accused-petitioner under section 205 of the Cr.P.C. to dispense with his personal appearance during trial.
5. Learned counsel for the Petitioner at the outset contended that the Petitioner is a lady and she is suffering from partial



paralysis. Therefore, she is finding it difficult to attend the Court on each and every date fixed. In such view of the matter, the learned counsel for the Petitioner contended that the Petitioner moved an application before the trial Court under Section 205 of the Cr.P.C. to dispense with her personal appearance. However, such application having been rejected vide order dated 25.06.2024, the Petitioner has approached this Court by filing the present application.

6. In course of hearing, learned counsel for the Petitioner contended that the learned trial Court has committed an illegality by rejecting the application of the petitioner. Taking into consideration the difficulties faced by the Petitioner who is a lady suffering from partial paralysis, the learned Court should exercise its discretion under Section 205 Cr.P.C. to dispense with her personal appearance. Having not done that, learned counsel alleged that the learned trial Court has committed gross illegality. As such, it was contended that the impugned order is unsustainable in law and liable to be set aside.

7. Learned counsel appearing for the Opposite Party on the other hand supported the order passed by the learned trial Court on 25.06.2024. He further contended that the Petitioner has failed to produce such documents in support of her contention before the learned trial Court. Therefore, no fault can be found with the learned trial Court while passing the order dated 25.06.2024.

8. On a careful consideration on the materials on record, further taking consideration the submission made by the learned counsel appearing for the Parties, this Court found that the Petitioner's application under section 205 Cr.P.C. at Annexure-2 does not



disclose any information regarding the difficulties faced by her and the same is also not accompanied by any material to support the grounds taken in such application. On an assessment of the aforesaid application, it appears that the application has been filed in a haphazard and mechanical manner.

9. In view of the aforesaid position, this Court is of the considered view that the learned trial Court has not committed any illegal in rejecting such application of the Petitioner under Section 205 Cr.P.C., vide order dated 25.06.2024. Therefore, this Court is not inclined to interfere with the order dated 25.06.2024.

10. While disposing of the present application, this Court grants liberty to the Petitioner to move a fresh application under section 205 Cr.P.C., supported by proper documents, within two weeks from today. In such view of the matter, the learned trial Court shall do well to consider such application in accordance with law and dispose of the same within a period of four weeks thereafter by passing a speaking and reasoned order.

11. With the aforesaid observation and direction, the CRLMC stands disposed of.

(A.K. Mohapatra)
Judge

Sisir