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CRR 1299 of 2026

**Manjunath V. Hebbar alias Manjunath Hebbar
Vs.
The State of West Bengal & Anr.**

Mr. Dipanjan Dutt
Mr. Ayan Chakraborty
Mr. Soumadip Ghosh
Mr. Subhajit Saha

...for the Petitioner

The petitioner herein is aggrieved with the order dated 18th February, 2026 passed by the learned Chief Judge, City Sessions Court, Calcutta. By the impugned order, learned court below affirmed the order of the learned Judicial Magistrate, 12th Court, Calcutta dated 29.10.2025 by which, the Trial court allowed the plaintiff's application under Section 228 of the BNSS with conditions that:

- i) He shall not challenge his identity in the Court.
- ii) He shall be represented by his Ld. Advocate namely Sridarshini Banerjee on every subsequent dates and;
- iii) He must remain present before this court personally for plea, examination u/s. 351 of the BNSS/313 Cr.P.C. and judgment.

Being aggrieved by the imposition of condition (iii) in the impugned order, learned counsel for the petitioner submits that it is well settled that in appropriate cases the court can exempt personal appearance of the accused on the date of taking plea and also on the date of examination of the accused under Section 351 of the BNSS.

In this context, he relied upon a judgment of the Apex court in the case of **Bhaskar Industries Ltd. Vs. Bhiwani Denim & Apparels Ltd. and others** reported in **(2001) 7 SCC 401**.

Learned counsel for the petitioner further submits that in the present case, it would appear that the petitioner, Mr. Manjunath V. Hebbar underwent coronary angiography and PTCA with stenting to mid RCA and is in constant medical supervision. Therefore, he prayed for setting aside condition no. (iii) in the impugned order, which had been allowed by both the courts below.

Having heard learned counsel for the petitioner, the application stands admitted.

Petitioner is directed to serve a copy of the application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon the opposite party no. 2 by speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear on 18th May, 2026 under the heading **“To Be Mentioned”**.

Learned counsel for the petitioner also prays for interim relief.

Having heard learned counsel for the petitioner and that the petitioner had made out an arguable case, let the condition impugned condition no.(iii) imposed in the order dated 29.10.2025 in CS case no. 143855 of 2024, which pertains to rejection of petitioner’s prayer for personal appearance on the date of taking plea and on the date of

examination under Section 351 of the BNSS/Section 313 of the Code of Criminal Procedure, be stayed for period of eight weeks or until further order, whichever is earlier.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)