

20.5.2026
19

Ct. 29
BD

CRR 1299 of 2026

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

Mr. Ayan Chakraborty
Mr. Saikat Mallick ...for the Petitioner

Mr. Kaushik De
Ms. Mohini Majumder
Mr. Rohan Pathak
Ms. Ayelity Ghosh
Mr. Adhrish Chatterjee ... for the opposite party no. 2.

The petitioner/accused has assailed the order dated 29.10.2025 passed in a proceeding under section 138 of the N.I. Act, being CS 143855/2024. The petitioner who has claimed that he underwent coronary angiography and PTCA with stenting to mid RCA had made a prayer before the trial court for exemption of his personal appearance. Such prayer was allowed by the trial court with the condition that he must remain present before the court physically on the date of taking plea and on the date of examination of the accused under section 313 of the Code of Criminal Procedure and also on the date of delivery of judgment.

Being aggrieved by the aforesaid condition imposed in the impugned order dated 29.10.2025, and which order was also affirmed by the Appellate Court in Criminal Revision No. 356 of 2025, learned counsel for the petitioner relying upon a judgment reported in **(2001) 7 SCC 401** in the case of ***Bhaskar Industries Ltd. -vs- Bhiwani Denim***

& Apparels Ltd. & Ors. contended that it is well settled that in proper 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.

Learned counsel appearing on behalf of the opposite party no. 2 leaves the prayer made by the petitioner to the discretion of the court.

Having heard learned counsel appearing for the petitioner and the opposite party no. 2 the order dated 29.10.2025 is hereby modified to the extent that the petitioner's prayer for exempting him from personal appearance shall be granted on the date of taking plea if he is properly represented. The petitioner may also be given opportunity to avail section 313(5) Cr.P.C at the appropriate stage. However, whether physical appearance of the petitioner at the time of delivery of judgment will be required or not shall be decided by court at the appropriate stage. The condition no. 2, is also modified to the extent that the petitioner shall be represented by the learned advocate at his choice and he will not be compelled to be represented by any particular lawyer(s) against his choice.

The Trial court is requested that he will make his every endeavour to conclude the trial without granting any unnecessary adjournment to either of the parties keeping in mind the time limit and the statutory compulsion to take

special endeavour mentioned in section 143(3) of the N.I. Act.

CRR 1299 of 2026 is accordingly disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)