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Joyakesh Podder and ors. Vs. State of Bihar and anr.

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Court : Patna

Decided On : Feb-06-2006

Judge : I.P. Singh, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 205

Appeal No. : Cri. Revn. No. 72 of 2006

Appellant : Joyakesh Podder and ors.

Respondent : State of Bihar and anr.

Disposition : Petition allowed

Judgement :

I.P. Singh, J.

1. This application has been filed for quashing the order dated 2-1-2006 passed in Criminal Complaint No. 219(C) 04 filed by petitioners under Section 205 of the Code of Criminal Procedure (in short 'the Code') has been rejected by the learned Judicial Magistrate 1st Class, Patna.

2. Learned Counsel for the petitioner has submitted that petitioner No. 1 is the Commercial Manager, M/s. Reliance Infocom Ltd. having address 5th Floor, Reliance House, 34, JL Nehru Road, Kolkata 700071 (West Bengal) and is posted at Kolkata. As he is Commercial Manager of the aforesaid company, the petitioner

looks after all commercial functions in West Bengal circle.

3. It has been further submitted that petitioner No. 2 is the Senior Manager Sales, Reliance Telecom Limited, 2nd Floor, Ravi Bhavan, Jai Stambh Chowk. PO: Raipur (Chattisgarh) and is posted at Raipur in Chattisgarh. As he is Senior Manager Sales the petitioner looks after the Mobile Prepaid sales within the territory of Chattisgarh with Headquarters in Raipur.

4. It has been also submitted that petitioner No. 3 is the General Manager Sales, Reliance Telecom Limited, 7th Floor, Kashi Place, New Dakbunglow Road, Patna and is posted at Patna. As the General Manager, he looks after the sales of mobile services within the territory of Bihar with headquarters at Patna.

5. It has been further submitted that the petitioners are busy persons and their presence is required at their area of operation. The petitioners have undertaken that they will not dispute their identity and shall be represented by the lawyer on every date.

6. Learned Counsel for the petitioner has relied on so many decisions of this Court reported in 2001(2) PCCR 279, Prayag Narain Yadav and Ors. v. The State of Bihar and also in 2001 (2) PCCR 277, Keshav Jayant Tiwary and Ors. v. The State of Bihar and Anr. In both the decisions the petitioners on similar footing have been granted benefit under Section 205 of the Code.

7. Considering the submissions of the learned Counsel and also the petty nature of allegation in the case, I am of the view that the petitioners be exempted under Section 205 of the Code on the condition that they shall remain present as and when required by the Court below and shall be represented each and every date by their lawyer.

8. Accordingly, this petition is allowed.

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