

C 2197 of 2019

Order dated 16/05/2023

Today has been fixed for hearing the petition u/s 205 CrPC.

Both the sides are represented through their Ld. Advocates.

Heard both the sides in full.

The record is now taken up for passing order.

The accused person namely Prerna Chopra has filed petition praying for granting her exemption from appearing personally and be represented through her Ld. Advocate Suman Mukherjee on the ground that she is a housewife and responsible for day to day affairs of her residence and therefore, it would caused hardship to her to appear personally on each day of hearing and that she is willing to comply with the conditions imposed by this Court and would not challenge her identification at any stage of trial.

The Ld. Advocate for the complainant objected to such submission of the accused person and stated that no cogent reason has been given by the accused person for non-appearance and the nature of offence is quite serious. It is also their submission that the accused person is the director and shareholder of two BVI Company and goes abroad to look after her business and also has huge investments in Hongkong. The complainant therefore prays for rejection of the prayer of the accused person.

Perused the case record. It can be seen that the said accused person is a resident of Kolkata. Further, it can also be ascertained that she is a not house-wife but is a business -person with being director as well as shareholder of a certain company. The case has been filed u/s 50 of the Black Money (Undisclosed Foreign Income and Assets) and imposition of Tax Act, 2015 which is a very serious offence. Representation u/s 205 CrPC is not a matter of right but the discretion of the Court and the accused person has to satisfy the Court for the same. Such exemption can be given only after considering the circumstance of the case and condition of the accused along with the necessity for the same. Here, the accused person is a resident of this place itself. There is no other submission by the accused person except the fact that she is a house-wife, the reason which is itself unsatisfactory. Further, majority of people come from different walks of life and are engaged in some work or the other and those works are important for each of them. For claiming such exemption, the situation and condition must be exceptional and severe hardship ought to occur but I do not find the same for this accused person.

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Hence, the prayer u/s 205 CrPC is hereby considered and rejected on contest without any order as to costs.

To 03/08/2023 for appearance of the accused person positively id n/o.
D/C by me:

Judicial Magistrate, 1st Court,
Alipore, South 24 Parganas.