

Name of College R.M.M Law College, Solapur

3rd Part, Paper-3

Name of Subject: Cr. P.C

By: Binod Kumar Jha,  
Part Time Law Teacher

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Topic: Dispense with the personal attendance of accused.

Sec. 205

Magistrate may dispense with personal attendance of accused:

(1) Whenever a magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused and permit him to appear by his pleader.

2. But the magistrate inquiring into or trying the case may, in his discretion, at any stage of proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in the manner hereinbefore prescribed.

This section deals with exemption from initial appearance and not during trial. It confers power on magistrate to dispense with the personal attendance of the accused whenever a summon is issued

and permit him to appear by pleader. although it may be a warrant case this is one view. Another view is that there is nothing to prevent the grant of exemption merely because a warrant has been issued in the first instance. There are series of decisions of the Hon'ble High Court or the Apex Court in support of above.

Where the offence alleged are of serious nature involving moral turpitude and punishable with imprisonment for some length of time the question of status while granting exemption cannot be considered.

Parlanashin Women. The Court in his discretion must be reasonably exercised by consideration of the social status and customs and also the nature of offence.

Related question:

Can an accused be dispensed with his personal attendance in court. 2

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