

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

**Criminal Misc. No. M-23703 of 2013
Date of Decision:-04.02.2016**

Chaman Lal and others

.Petitioners

Versus

Krishan @ Titu and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Rajesh Bansal, Advocate for the petitioner(s).

Mr. Sukhdeep Parmar, Advocate for respondent No.1.

Mr. Ashish Yadav, Addl. A.G. Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of Criminal Complaint No.151/2012, dated 29.05.2012/22.11.2012, pending in the Court of learned Judicial Magistrate Ist Class, Panipat(Annexure P-3) and summoning order dated 10.01.2013 (Annexure P-4), as the same is counter-blast to FIR No.762 dated 01.11.2011 (Annexue P-1). The said FIR was lodged by the petitioners against respondent No.1 and others.

Learned counsel for the respondent has taken a plea that against the summoning order 10.01.2013, the petitioners have the remedy to prefer a revision petition before the Sessions Court.

Faced with the above, learned counsel for the petitioners does not press the instant petition at this stage. He, however, submits that since the petitioners have invoked the jurisdiction of this Court under Section 482 Cr.P.C. against the summoning order dated 10.01.2013 passed by the trial Court under a bonafide belief that this Court can interfere in the same, revision filed at this stage would be barred by limitation. He, therefore, seeks liberty to the extent that in case the petitioners prefer revision against the summoning order before the Sessions Court, the learned Court may be directed to condone the delay. He also submits that being a complaint case, personal appearance of the petitioners be exempted before the trial Court.

Heard.

Taking into consideration the fact that the petitioners have preferred the instant petition under Section 482 Cr.P.C. without availing the remedy of revision petition before the Sessions Court, this petition is dismissed as not pressed with a direction that in case the petitioners prefer revision petition against the order of summoning dated 10.01.2013 within a period of one month from today, the trial Court shall condone the delay in filing the revision.

However, if the petitioners move the trial Court seeking exemption from personal appearance, they will be granted exemption on furnishing following undertaking:-

1. that their advocate shall appear on their behalf on each and every date of hearing and the evidence recorded in their absence would be acceptable to them;

2. that undertaking of their counsel to appear on each date of hearing to defend their case.

3. that they will not dispute their identity and they will appear before the trial Court as and when directed by the Court.

04.02.2016

Anjal

(*HARI PAL VERMA*)
JUDGE