

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

CRM-M-22559-2016 (O&M)

Date of decision : 22.12.2016

Amrik Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh-I, Advocate
for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab

None for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of order dated 11.05.2016 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Phagwara, whereby the application moved by the petitioner for permanent exemption from appearance of the petitioner on the date fixed in the Court, has been dismissed.

This Court on 12.07.2016 issued notice of motion on the statement made by learned counsel for the petitioner that the petitioner is more than 68 years of age and chronic heart patient. The State was directed to file response in this regard. However, despite availing the sufficient

opportunities, no response has been filed. The petitioner is not involved in any other FIR.

Considering the assertion raised by the learned counsel for the petitioner, the present petition is allowed and the order dated 11.05.2016 passed by learned Judicial Magistrate 1st Class, Phagwara is hereby set aside and the exemption qua personal appearance of the petitioner before the trial Court is granted on his furnishing of an affidavit to the effect that evidence be recorded in his absence. The petitioner shall further undertake to appear as and when directed by the trial Court.

22.12.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No